

**AGENDA**  
**Game, Fish, and Parks Commission**  
March 6-7, 2014  
Holiday Inn Express  
110 E Stanley Road, Fort Pierre, SD 57532

**Call to order 1 PM CT**

**Election of Officers**

**Division of Administration**

Action items:

1. Approve minutes of the January 2014 meeting  
<http://gfp.sd.gov/agency/commission/archive/2014/January/minutes.pdf>
2. Approve minutes of the February 2014 teleconference  
<http://gfp.sd.gov/agency/commission/archive/2014/February/minutes.pdf>
3. Additional Commissioner Salary Days
4. License List Requests

Information items:

5. License Sales Report
6. Legislation Update  
<http://gfp.sd.gov/agency/information/legislative-update.pdf>

**Open Forum**

**Public Hearing at 2 PM**

**Finalization**

7. Sale/purchase of cottontail rabbits and squirrels
8. Public Lands
9. Public Waters
10. Motorboats and Watercraft
11. Refuges

**Petition for Rule Change**

12. Earlier start of archery deer hunting season

**Proposals**

13. 2014 Hunting Season Dates
14. CSP Bison Hunting Season
15. CSP Elk Hunting Seasons
16. Archery Elk Hunting Season
17. Black Hills Elk Hunting Season
18. Prairie Elk Hunting Season
19. Mountain Goat Hunting Season

20. Grouse Hunting Season
21. Pheasant Hunting Seasons
22. Partridge Hunting Season
23. Quail Hunting Season
24. Cottontail Hunting Season
25. Squirrel Hunting Season
26. Crow and Crane Seasons
27. Snipe and Dove Seasons

### **Division of Wildlife**

Action items:

28. Bighorn Sheep Action Plan
29. Private Shoot Preserve Permit Stipulation Agreement Consent Order

Information items:

30. Land acquisition updates
31. WMI Big Game Action plan update
32. Elk population status and management objectives
33. Mountain lion hunting season update
34. Spring Canada goose program update
35. Pheasant Habitat Working Group
36. Farm bill update
37. Request for fish spearing exemption
38. Asian carp education efforts
39. Fisheries management plans
40. Miscellaneous updates

### **10 AM Friday Custer State Park Visitor Center Donor Recognition**

### **Division of Parks and Recreation**

Action Item:

41. Parks and Wildlife Foundation Land Donation

Information items:

42. Good Earth State Park land acquisition
43. Lewis and Clark Marina Request for Proposal
44. Cedar Shore Resort and Marina Bank Stabilization Project
45. Campground Reservation System

### **Adjourn**

Next meeting information:

April 3-4, 2014 Cedar Shores Resort, 1500 Shoreline Drive, Oacoma, SD

# Division of Administration

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Minutes of the Game, Fish, and Parks Commission  
January 9-10, 2014

Chair Susie Knippling called the meeting to order at 1:01 PM at the Holiday Inn Express Convention Room in Fort Pierre, South Dakota. Commissioners Susie Knippling, John Cooper, Jim Spies, Cathy Peterson, and Gary Jensen were present and a quorum was declared. Commissioner Duane Sather was participating by conference phone. Secretary Jeff Vonk was present along with approximately thirty members of the media, staff, and public. Commissioner Barry Jensen joined the meeting at 1:06 PM.

## **DIVISION OF ADMINISTRATION**

### **Approve Minutes**

Chair Knippling called for any additions or corrections to the minutes of the December 5, 2013, meeting or a motion for approval.

Motion by Cooper with second by Gary Jensen TO APPROVE THE MINUTES OF THE DECEMBER 2013 MEETING AS PRESENTED. Motion carried unanimously.

### **Additional Commissioner Salary Days**

Knippling asked for any additional salary days from the Commissioners. Commissioners Peterson, Gary Jensen, and Barry Jensen each requested four days for the WAFWA Winter meeting last week.

Motion by Spies with second by Cooper TO APPROVE THE ADDITIONAL COMMISSIONER SALARY DAYS REQUESTED BY PETERSON, JENSEN, AND JENSEN. Motion carried unanimously.

### **License List Requests**

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

### **License Sales Report**

Director Petersen presented the Final License Sales Totals for calendar year 2013 which represents half of the current Fiscal Year revenue. The sales are currently running behind about \$30,000. The Division of Wildlife budget will be approximately \$1.9 million less than the projected revenue for Fiscal Year 2015. The 2013 resident small game sales were the lowest since 1998 and nonresident small game sales were 19,000 fewer than in 2012.

Chief Scott Simpson provided information showing license sales numbers for residents and nonresidents since 2011 by type, and the revenue impact of the actual 2013 sales from the estimated 2013 license sales. Fishing license sales in 2013 were strong. The 2013 small game sales were down and significantly impacted the Wildlife Division budget.

## **Legislation Update**

Director Petersen indicated that Legislature will convene on January 14 and the Department Budget hearing with the Joint Appropriations Committee is scheduled for February 25. Petersen invited the Commissioners to attend if schedules allowed.

Director Tony Leif indicated the Department would be sponsoring three bills for the 2014 Legislative Session and Director Hofer will provide information about the Good Earth Bonding request during his Good Earth update later on the agenda.

Leif indicated a bill to amend statute to allow for schools, government entities, and charitable or non-profit organizations to conduct events, classes, or programs to teach basic fishing skills without requiring the participants to possess a fishing permit. This will provide additional opportunity for the Rapid City and Sioux Falls Outdoor Campus and other GFP sponsored events allowing people of all ages to participate.

Director Leif stated the other Department bill is to increase the nonrefundable application fee for bighorn sheep, mountain goat, and elk licenses from \$5 established in 1987 to \$10 consistent with the consumer price index cost of living since 1987. The increased revenue will continue to be used for big game research and management. The bill will require a two-thirds vote from the legislature.

Cooper asked about the non-meandered waters bill and Leif indicated the tenth version of a draft bill is under consideration by the involved parties and this bill will need to be picked up by a legislator to introduce for legislation.

## **Open Forum**

Chairwoman Knippling opened the floor for discussion from those in attendance on matters of importance to them that may not be on the agenda and no one came forward.

## **Public Hearing**

The Public Hearing began at 2:06 PM and concluded at 2:08 PM. The Public Hearing minutes are included at the end of these minutes.

Secretary Vonk shared with the Commission that Public Hearing Officer Chuck Schlueter just concluded his last Public Hearing for the Commission. Schlueter has decided to retire on January 23 having worked 32 years with the Department.

Director Leif shared that Schlueter was actively involved in the creation and operation of the Outdoor Campus facilities; and has shown exemplary public service providing timely and quality work during his tenure with the Department. Leif presented Schlueter the Division of Wildlife Commemorative Coin.

Chair Knippling called for a recess at 2:15 PM and meeting resumed at 2:36 PM.

## **FINALIZATION**

### **Bighorn Sheep Hunting Season 41:06:56**

Chief Tom Kirschenmann presented the proposed Black Hills Bighorn Sheep Hunting Season dates, areas, licenses, requirements, restrictions, and proposed

changes. Kirschenmann indicated the minimum population estimate of bighorn sheep for the Elk Mountain herd is around 96 and approximately 45 for the Rapid City herd.

Chris Hull showed a video of the capture and release of twenty bighorn sheep consisting of three males and seventeen females from Montana into the South Hell Canyon area to strengthen the genetics of the herd in that area.

Kirschenmann indicated there were no recommended changes to the proposal and public comment supported the auction license.

1. Auction license is valid only in Unit 2.
2. Modify the current boundary description for Unit 1 to only include the geographic area of the Rapid Creek bighorn sheep sub-herd population.

Motion by Gary Jensen with second by Spies TO FINALIZE CHANGES TO THE BIGHORN SHEEP HUNTING SEASON 41:06:56 AS PROPOSED. Motion carried unanimously.

Kirschenmann indicated the Bighorn Sheep Action plan was provided to the Commission last month. Kirschenmann shared it is his belief in that the goals and the guidelines to achieve those goals are the most important part of any action plan.

Secretary Vonk indicated the Department would like a formal endorsement of the action plan from the Commission. The Wildlife Institute Management's review process suggested an official endorsement of the big game management plans. The Commissioners were asked to review before the March meeting.

### **Petition for Rule Change**

#### **Sale/purchase of cottontail rabbits and squirrels**

Director Tony Leif indicated a petition for rule change was sent to Chair Knippling from Becky of Pete's Taxidermy, Inc. of Burke, South Dakota, to allow for the purchase and sale of cottontail rabbits and squirrels similar to pheasants, prairie chicken, grouse, and partridge. The petition meets the criteria as outlined in SDCL 41:11:2 and the Commission may deny the request with a statement of reasons or initiate the rule making process. Leif indicated the Department supports the rule making process and the change could be included in the Public Hearing Notice for the March Commission meeting. Leif would prepare an action sheet and share with the Commissioners prior to the March meeting.

Motion by Cooper with second by Barry Jensen TO PROPOSE A NEW RULE ALLOWING FOR THE SKINS OF COTTONTAIL RABBITS, FOX SQUIRREL, GREY SQUIRREL, AND RED SQUIRREL BE OFFERED FOR SALE OR PURCHASE. Motion carried unanimously.

### **Proposals**

#### **Special Buck Licenses**

Chief Tom Kirschenmann presented the requirements and restrictions for the East River and West River Special Buck Licenses for 2014 with no recommended changes. Kirschenmann reminded the Commission that these licenses are good only on private land during the regular East River and West River season dates. The numbers

of licenses available were determined by a percentage as adopted by the Commission last year. Residents can apply for both licenses but only receive one per year. Discussion included background of nonresident allocation, timeframe of the process, and distribution of the tags to allow hunters to plan their vacations.

Kirschenmann indicated the Resident West River Special Buck licenses would be 500, the nonresident West River Special Buck licenses would be 500, and the East River resident Special Buck licenses would be 656 with no licenses for nonresidents during the East River season. Kirschenmann responded to a question as to why there are zero nonresident licenses for the East River Special Buck season by explaining it is because there are no licenses available to nonresidents during the first draw in the East River season and this is due to the high demand from resident hunters and that demand remains high. Kirschenmann referenced the history of the Special Buck license as a compromise of the transferrable license and resident demand for licenses. Nonresidents do have the opportunity to obtain a buck license with the archery season and whenever there are leftover "any deer" licenses available after the second draw in the regular season.

Director Leif asked Dr. Longmire and Chair Knippling if the Special Buck Survey results removed from the October Commission Agenda could be presented the next morning under miscellaneous information items. Dr. Longmire was agreeable and permission was granted by Chair Knippling.

Motion by Peterson with second by Cooper TO APPROVE THE NUMBER OF LICENSES AVAILABLE FOR THE SPECIAL BUCK SEASONS. Motion carried unanimously.

### **Public Lands**

Andy Alban presented a recommended change in the Use of Public Lands to prohibit individuals from having bait stations on Department owned and managed properties. This clarification will assist with management and law enforcement concerns.

Prohibit bait stations (as defined in ARSD 41:06:04:03) on lands owned by the department and on properties managed and classified by the department as Game Production Areas, State Parks, State Recreation Areas, State Lakeside Use Areas, State Nature Areas, and State Water Access Areas.

Motion by Barry Jensen with second by Spies TO PROPOSE THE CHANGE TO USE OF PUBLIC LANDS AS RECOMMENDED. Motion carried unanimously.

### **Public Waters**

Andy Alban presented a recommendation to adjust the dates for a "no boating zone" on Reid Lake in Clark County to allow for additional fall fishing opportunity while maintaining waterfowl hunting during migration in the fall.

Bob Schneider presented a recommendation to adjust the "no wake zone" and "no swimming zone" around the floating breakwater and the waters protected by the breakwater within the bay that houses the Spring Creek Marina and boat ramp in Hughes County.

Schneider presented a recommendation to adjust the “no wake zone” on Shadehill Reservoir due to increased boating and beach use and to more accurately describe the “public swimming zone” on the reservoir. This will protect the public, swimmers, and the department owned facilities located there.

1. Amend the dates that boating is prohibited on Reid Lake in Clark County.
2. Amend the existing “no wake zone” and “no swimming zone” at Spring Creek Recreation Area in Hughes County.
3. Amend the boundaries of the existing “public swimming zone” and “no wake zone” on Shadehill Reservoir in Perkins County.

Motion by Peterson with second by Gary Jensen TO PROPOSE CHANGES TO PUBLIC WATERS AS RECOMMENDED. Motion carried unanimously.

### **Motorboats and Watercraft**

Alban presented recommendations to the navigational rules of the road to be consistent with Federal guidelines. This will assist in educating the public about the rules of the road for boating. Discussion included the meaning of the term “safe carrying capacity” and the Commission expressed their desire to specify the horsepower of the motor capacity of the boat; and the weight or number of persons in a boat for overloading capacity.

1. Amend 41:04:05:06 to incorporate the federal navigation rules of the road by reference.
2. Repeal 41:04:05:10-12 due to the incorporation of federal navigation rules by reference.
3. Create a new rule, 41:04:05:19, to address the overloading of boats.

Motion by Gary Jensen with second by Spies TO PROPOSE CHANGES TO MOTORBOATS AND WATERCRAFT AS RECOMMENDED BY DEPARTMENT WITH COMMISSION CHANGES. Motion carried unanimously.

### **Refuges**

Kirschenmann provided background on the evaluation process taken to review the status and opportunities provided in the current Refuge system indicating this process included landowner participation and public meetings. Kirschenmann shared the different types of refuges which are Game Refuges, Game Bird Refuges, and Waterfowl Refuges. Staff developed five recommended changes to refuges in Northeast South Dakota.

Switzer provided specifics on each of the five recommended changes with maps showing the boundaries and changes on each of the refuges.

1. Reclassify the Reid Lake State Game Refuge to Reid Lake Waterfowl Refuge.
2. Reclassify the White Lake State Game Refuge to White Lake Waterfowl Refuge and Modify boundary description.
3. Remove the Stink Lake Waterfowl Refuge.
4. Remove the Dry Lake State Waterfowl Refuge.
5. Remove the Bullhead Lake State Waterfowl Refuge.

Motion by Cooper with second by Gary Jensen TO PROPOSE CHANGES TO FIVE REFUGES AS RECOMMENDED. Motion carried unanimously.

## **DIVISION OF PARKS AND RECREATION**

### **2013 CSP Repair and Maintenance Final Report**

Director Doug Hofer handed out the 2013 Repair and Maintenance report for completed projects by Custer State Park Resorts. The Resort Company is required to expend a sum equal to 5% of their gross revenue for the upkeep of the state owned resort structures within Custer State Park. Hofer outlined the major projects completed in 2013 and noted that Custer Resorts spent more on improvements than required in the concession lease.

### **2013 Revenue and Visitation Report**

Director Hofer presented the End-of-Year Revenue Report for Calendar Year 2013 showing the increased camping use statewide. Hofer indicated the policy changes to allowing reservations up to a year in advance at Custer State Park resulted in an increase of 7.1% in revenue over 2012. A record number of 279,000 camping units were recorded in 2013. Visitation increased 1.8% over 2012 in State Parks, Recreation Areas, and Nature Areas.

### **Good Earth State Park Update**

Hofer stated the South Dakota Parks and Wildlife Foundation completed negotiations and the purchase of twenty acres of property from Louise Evenson on December 31. The twenty acres will facilitate the entrance not only to the Good Earth State Park but the planned Visitors Center. The Foundation plans to transfer this property to the Department and will require Commission action which could happen as soon as the next meeting in March.

Director Hofer was happy to share that a generous donor came forward and has entered into an agreement with the SD Parks and Wildlife Foundation to donate \$80,000 a year for 25 years for the development of the Good Earth State Park. The Foundation Board, the Parks Division, and the donor have been developing a plan to best utilize this \$2 million donation. The Department has introduced House Bill 1013 to allow for the sale of bonds through the South Dakota Building Authority to utilize the gift and facilitate the construction of the Good Earth State Park Visitors Center.

## **DIVISION OF WILDLIFE**

### **Private Shooting Preserve Permit Stipulation Agreement Consent Order**

Andy Alban provided background information about 57 illegally killed deer in 2011 involving several individuals facing federal and state charges. This is an ongoing case and details cannot be shared at this time. However, John Chauncey, a Private Shooting Preserve Operator entered a guilty plea.

Director Leif provided the Stipulation and Consent Decree requiring Chauncey not operate a shooting preserve for five years. Administrative rule requires Commission action to revoke Chauncey's preserve operator's permit with the Department as stated in the Consent Order. Leif respectfully requested the Commission approve the Stipulation and Consent Decree and authorize Chair Knippling issue the Consent Order.

Motion by Cooper with second by Gary Jensen TO APPROVE THE STIPULATION AND CONSENT TO THE ISSUANCE OF CONSENT DECREE AND AUTHORIZE CHAIR KNIPPLING TO SIGN THE CONSENT ORDER AS PRESENTED (Appendix A and B). Motion carried unanimously.

### **Brule County Land Addition to Chain Lakes GPA**

Paul Coughlin presented Resolution 14-01 authorizing the Department to complete negotiation for the purchase of 160 acres from Gregory W. King, Luke A. Bryner, and Neil A. Brown. The purchase price would be \$160,000 and the property would be added to and used as a Game Production Area in southeast Brule County known as the Chain Lakes GPA. Funding for this will come from the Tony Dean's Acres NAWCA grant with expected closing in February. Coughlin recommended the Commission approve the resolution.

Motion by Cooper with second by Gary Jensen TO APPROVE RESOLUTION 14-01 AS PRESENTED (Appendix C). Motion carried unanimously.

### **Land acquisition updates**

Coughlin provided information about another possible Tony Dean Acres purchase in Moody County that is currently in the appraisal phase.

### **Development and use of urban fisheries**

Dave Lucchesi presented a power point indicating there are 31 urban lakes located East River and twelve lakes in West River that are managed as urban fisheries by the Department. Lucchesi provided the management objectives for urban lakes, specific details on different lakes, and future plans for managing urban fisheries.

### **Mountain Lion Hunting Season update**

Andy Lindbloom indicated the mountain lion season started on December 26, 2013, and currently eight lions have been harvested. Licenses sold to date are 2,600 and there are 27 radio collared lions roaming around.

Chair Knippling called for a recess at 5:06 PM with meeting to resume at 8:30 AM on the next morning. Meeting resumed at 8:29 AM with Commissioners Knippling, Cooper, Peterson, Jensen, Spies, and Jensen present. Commissioner Sather did not join by phone. Secretary Vonk along with approximately twenty public, staff, and media were present.

### **Pheasant Habitat Summit update**

Director Leif stated he was pleasantly surprised with approximately 600 individuals registered to attend the Governor's Pheasant Habitat Summit held on December 6, 2013. More than 400 people attended the Summit in spite of the cold weather and snow. Ten days prior the Summit an announcement indicating that the Summit would be webcast may have kept a few away.

Chief Simpson indicated the costs incurred for the Summit were approximately \$13,000 not including staff time for planning or the fifty staff present at the Summit to

insure the event ran smoothly. The SD Parks and Wildlife Foundation, Millborn Seeds, SD Retailers, Truax Company, Inc., the SD Municipal League sponsored the event at \$1,000 each. Portfolios were provided at no charge to attendees sponsored by Pheasants Forever, who also split the \$8,000 cost making the cost of the Department approximately \$4,000.

Leif indicated the important message is: What happens now? The Working Group will have a lot of ideas to work through from the twenty breakout sessions. There are twenty pages of ideas posted on the GFP Website. Ten areas were identified and a follow up questionnaire will go to participants this week asking: "What is the one thing you believe is most important?"

Leif indicated there was a good cross section of participants including legislators, landowners, agricultural people, sportsmen, and sportsmen groups.

A Working Group was appointed by the Governor and his staff and was announced earlier this week. Pam Roberts will chair the thirteen member group scheduled to meet through June with a report in July of 2014.

### **WMI Big Game Action Plan update**

The Commissioners received the Big Game Review Action Plan from WMI in chronological order. Director Tony Leif and Chief Tom Kirschenmann provided information on the eight items with a due date of December 2013. Discussion included clarification of the mountain lion population objective; staff review in the western part of the state for big game management; staff evaluation of time; prioritization and resources for big game management and developing management plans; review of big game management plans; and strengthen interaction/communication between leadership and field staff regarding the Commission recommendation process and to include discussion about the issues, the direction the issues are going, and the leadership philosophy on the issue.

### **Elk management opinion survey results**

Chief Kirschenmann indicated this survey was a good opportunity to begin drafting a good management plan and to solidify what the public is thinking. Dr. Longmire shared key results and indicated the final report will come later.

Dr. Cynthia Longmire provided background on the 12-page mail survey containing 36 questions with as many as 62 possible responses in the questionnaire. The survey was sent to 2,000 randomly selected elk applicants and 2,134 randomly selected landowners in the nine counties that have an elk unit. Responses were received from 1,259 elk applicants and 1,155 landowners and analysis show an area landowner group and other landowners.

Those surveyed were asked about the current elk population, their elk hunting experience, presence of elk on the landowners' property, depredation issues, and the elk hunting season structure and number of licenses available.

### **Deer license refunds due to EHD**

Chief Kirschenmann indicated that most of the 1,077 licenses returned were antlerless licenses for a total of 2,160 tags. The tags were returned due to EHD

concerns in Bennett, Corson, Perkins, Sanborn, and Todd Counties and were considerably fewer than the 2,268 licenses for 4,467 tags in 2012.

### **Review of bow hunting requirement rules**

Chief Scott Simpson indicated conversations have begun with archery groups to discuss rule changes as part of the rules reduction process. The South Dakota Bowhunters Association, the Archery Association, and the National Field Archery Association were asked for feedback about the current regulations. Discussion ensued about the history of the crossbow issue.

### **DOW Annual Report**

Chief Kirschenmann indicated the three handouts: The Division of Wildlife 2013 Annual Report, The Wildlife Damage Management Program Report, and the Private Lands Habitat and Access Program Summary-2013 were developed not only as a report for the Division but to assist during the upcoming Legislative Session.

### **Miscellaneous updates**

#### **Special Buck Survey**

Dr. Cindy Longmire indicated a survey was conducted where landowners were called and asked if specifically named individuals requested permission to hunt their property. The East River call list had 220 landowners and 269 applicants were verified to have contacted the landowner for 97%. The West River call list had 242 landowners and 608 applicants had received landowner permission for 93%.

Kirschenmann indicated an Elk Stakeholder Group is being formed to bring all the key stakeholders together while developing a management plan. This is a diverse group and includes the US Forest Service, SD Department of Agriculture, the SD Wildlife Federation, the Black Hills Sportsmen Club, Rocky Mountain Elk Foundation, South Dakota Bowhunters, Inc., the South Dakota Cattleman, South Dakota Stockgrowers, the Spearfish Grazing Association, the Wind Cave National Park, and the GFP Regional Advisory Panels. The group will meet 2-3 times beginning in next few weeks. Dr. Longmire will share the survey information. Discussion will include the future of the elk population and depredation concerns before making recommendations at the March Commission meeting. The last meeting of the group will provide allow them to review the management plan before approval. Kirschenmann requested there be a representative from the Commission on the Stakeholder group and invited all Commissioners to attend the meetings. Gary Jensen indicated he would be happy to participate. Kirschenmann will provide meeting information as it becomes available.

### **2014 Election of Officers**

Chairwoman Knippling stated the Commissioners have decided to wait until the next meeting to elect officers. Knippling stated how quickly the eight years serving on the Commission had passed and thanked everyone for their assistance. She will miss the people and will not miss the issues.

### **Adjourn**

Motion by Cooper with second by Spies to adjourn the meeting. Motion carried and meeting adjourned at 10:31 AM.

Respectfully submitted,

Jeffrey R. Vonk, Department Secretary

Appendix A  
**GAME, FISH AND PARKS COMMISSION  
STATE OF SOUTH DAKOTA**

<b>IN THE MATTER OF THE PRIVATE SHOOTING PRESERVE OPERATOR PERMIT FOR JOHN CHAUNCEY d/b/a ROCK CREEK RANCH, 20913 Sundance Rd., Valentine, NE 69201.</b>	<b>CONSENT ORDER</b> GFP <u>14-01</u>
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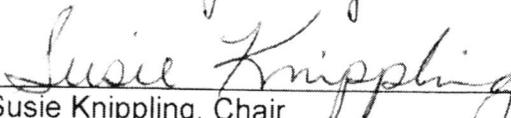
The Department of Game, Fish and Parks and John Chauncey d/b/a Rock Creek Ranch, ("Applicants"), by and through their authorized representatives, have executed a "Stipulation and Consent to the Issuance of a Consent Order" ("Stipulation and Consent") dated December 10, 2013. By this Stipulation and Consent, the terms of which are incorporated herein by this reference, the Applicants have agreed and consented to the issuance of this Consent Order by the Game, Fish and Parks Commission ("Commission").

Pursuant to the authority vested in it by the laws and administrative rules of the State of South Dakota including the Private Shooting Preserve Act, SDCL Ch. 41-10, the Commission hereby orders that:

The private shooting preserve operating permit issued to John Chauncey d/b/a Rock Creek Ranch, is hereby revoked and shall remain revoked for a period of 5 years from and after December 10, 2013, and during that period of time, he will not in any manner own, operate or participate in a private shooting preserve and he will not permit a shooting preserve to be operated on any property owned or leased by him.

The provisions of this Order are effective upon its being signed by the Commission Chair.

IT IS SO ORDERED, this 9th day of January, 2014.

  
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Susie Knippling, Chair  
SD Game, Fish and Parks Commission

Appendix B  
**GAME, FISH AND PARKS COMMISSION**  
**STATE OF SOUTH DAKOTA**

<b>IN THE MATTER OF THE PRIVATE SHOOTING PRESERVE OPERATOR PERMIT FOR JOHN CHAUNCEY d/b/a ROCK CREEK RANCH, 20913 Sundance Rd., Valentine, NE 69201.</b>	<b>STIPULATION AND CONSENT TO THE ISSUANCE OF CONSENT DECREE</b>

**WHEREAS**, the Department of Game, Fish and Parks ("Department") is charged with conserving and protecting wildlife, regulation of the hunting of game animals, and enforcement of the laws and administrative rules governing the operation of private shooting preserves; and

**WHEREAS**, John Chauncey d/b/a Rock Creek Ranch has applied for and received a private shooting preserve operating permit for the 2013-2014 preserve season; and

**WHEREAS**, John Chauncey has entered a guilty plea in South Dakota Federal District Court to the felony offense of Conspiracy – Lacy Act Violations, all in violation of 16 U.S.C 3372(a)(1), 3372(a)(2)(A), 3373(d)(1)(B), 18 U.S.C. 371, SDCL 41-6-20 and 41-14-32, and Rosebud Tribal Code 5-35-4(c); and John Chauncey has entered into a Plea Agreement with the State of South Dakota wherein he will enter guilty pleas to four misdemeanor counts of Unlawful Possession of Big Game Animals in violation of SDCL 41-14-32; and

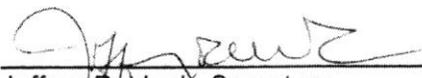
**WHEREAS**, John Chauncey's plea agreement with the State of South Dakota requires that he enter into a separate written agreement with the South Dakota Department of Game, Fish and Parks, pursuant to terms and conditions established by the Department wherein he will not in any manner own, operate or participate in a private shooting preserve for five years; and that he will not permit a shooting preserve to be operated on his property.

**NOW, THEREFORE**, in consideration of the above-stated premises the Department, acting by and through its Secretary, and John Chauncey d/b/a Rock Creek Ranch, hereby stipulate to the following:

1. The Commission has jurisdiction over the parties and subject matter pursuant to Title 41 of the South Dakota Codified Laws.
2. John Chauncey d/b/a Rock Creek Ranch hereby consents and agrees to the issuance of a Consent Order by the Commission which incorporates the terms and conditions of this Stipulation.

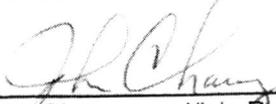
3. John Chauncey d/b/a Rock Creek Ranch, being represented by legal counsel, has been informed of his right to a contested case hearing and a right to an appeal to the courts from any final decision of the Commission as provided by SDCL 41-10-20, and by signing this Stipulation is waiving these rights.
4. John Chauncey d/b/a Rock Creek Ranch, agrees that he will not in any manner own, operate or participate in a private shooting preserve for a period of five years from the date of this agreement and he will not permit a shooting preserve to be operated on any property owned or leased by him.
5. The Consent Order is intended to be, and shall be construed to be, a final order. The Consent Order and the Stipulation of Consent do not form and shall not be construed to form, a contract binding on the Commission, the Department, or the State of South Dakota. Notwithstanding the absence of mutuality of obligation, or of consideration, or of a contract, the Commission and/or the Department may enforce any of the commitments or obligations herein undertaken by John Chauncey d/b/a Rock Creek Ranch under his statutory authority, and not as a matter of contract law. John Chauncey d/b/a Rock Creek Ranch express and acknowledge that the Department has no intention to enter into a contract. John Chauncey d/b/a Rock Creek Ranch expressly acknowledges that no Department officer or employee has statutory or other authority to bind the State of South Dakota, the Department, the Commission or any other state agency or any officer or employee of those entities to a contract affecting the Department's or the Commission's exercise of their statutory responsibilities. The terms of the Consent Order are not subject to amendment or modification by any extraneous expression, prior agreements or arrangements, or negotiations between the parties, whether oral or written.
10. If the Commission should choose not to accept the parties' proposed Consent Order, this Stipulation and Consent shall be null and void.

FOR THE DEPARTMENT

  
\_\_\_\_\_  
Jeffrey R. Vonk, Secretary  
SD Department of Game, Fish and Parks

Dated this 10<sup>TH</sup> day of DECEMBER, 2013.

FOR JOHN CHAUNCEY D/B/A ROCK CREEK RANCH

 Dated this 10<sup>th</sup> day of Nov. 2013, 2010.  
John Chauncey d/b/a Rock Creek Ranch

Appendix C

**RESOLUTION 14 - 01**

WHEREAS, the Department of Game, Fish, and Parks (GFP) has expressed an interest in acquiring real property presently owned by Gregory W. King, 264 State Road Hill, Smithton, PA 15479; Luke A. Bryner, 518 Reservoir Road, Vanderbilt, PA 15486; and Neil A. Brown, Box 85, Acme, PA 15610, which property is described as:

S $\frac{1}{2}$ SE $\frac{1}{4}$  and S $\frac{1}{2}$ SW $\frac{1}{4}$  of Section 6 - Township 101 North, Range 68 West of the 5th P.M., in Brule County, State of South Dakota, containing 157.40 acres, more or less, and hereafter referred to as KING-BRYNER-BROWN 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 KING-BRYNER-BROWN PROPERTY and execute and consummate an agreement with Gregory W. King, Luke A. Bryner, and Neil A. Brown, which is acceptable to GFP to acquire by purchase, at the price of \$160,000.00, the KING-BRYNER-BROWN PROPERTY for use as a Game Production Area.

Public Hearing Minutes of the Game, Fish, and Parks Commission  
January 9, 2014

Public Hearing Officer Chuck Schlueter began the Public Hearing at 2:06 PM by indicating seventeen emails were received -- all in support of the bighorn sheep auction tag. Schlueter invited anyone in the room wishing to comment on the Bighorn Sheep Hunting Season listed under Finalization to approach the microphone, provide their name and address on the sign-in sheet, and share their comments with the Commission.

No comments received from those in attendance and all written comments are reflected in the Public Hearing Minutes.

Bighorn Sheep Hunting Season written comments:

Mike McKnight President of the South Dakota Bowhunters emailed: "...we would once again wholeheartedly support a bighorn auction tag for 2014. Thank you."

Dana R. Rogers of Box Elder, SD, emailed: "I am wholeheartedly in support of continuing the single auction tag each year..."

Matt Rippentrop of Oelrichs, SD, emailed: "I would like to encourage you to pass the 2014 SD bighorn sheep auction tag for Custer County..."

Darrel Jones of Sioux Falls, SD, emailed: "I am sending this email in favor of granting an auction tag for the 2014 Custer County Bighorn Sheep season..."

Wayne Henderson of Lodgepole, SD, emailed: "Just wanted you folks to know how much I appreciated your making a sheep tag available last year and am all in favor of a tag this year in Custer state park..."

Micah Mauney of Sioux Falls, SD, emailed: "I am in favor of the SD Bighorn Sheep auction tag for Custer County..."

Keith Winter of Hill City, SD, emailed: "I wanted to take a second to email you and let you know that I am in support of the Bighorn Auction tag!..."

Arnie & Lori Goldade of Aberdeen, SD, emailed: "Just want you all to know we support the Bighorn Sheep Auction Tag!..."

Spencer Vaa of Brookings, SD, emailed: "I support the bighorn sheep auction tag for Unit 2 in the Black Hills..."

Roger DeKok of Mount Vernon, SD, emailed: "...I 100% believe in the support for the Auction Tag..."

Jim Scull of Rapid City, SD, emailed: "I would express my encouragement to continue this program [Bighorn sheep auction tag] to raise money to put sheep in the Black Hills and to maintain them. Funding will be absolutely necessary to achieve the goals and this is a very painless way to secure this designated funding..."

Dr. Shannon DeBoer of Hot Springs, SD, emailed: "I am writing this email to express my support for the auction tag for the bighorn sheep..."

Dennis Micko of Estelline, SD, emailed: "I am writing to ask for your support in continuing the process of auctioning off one Bighorn sheep tag to help finance the continued research and restoration of the Bighorn sheep herd in the Black Hills..."

Scott Vander Meulen of Sioux Falls, SD, emailed: "I would like to take a minute to ask for your continued support of the South Dakota Bighorn Sheep Auction Tag..."

Dr. George Jenter of Sturgis, SD, emailed: "Please support the 2014 South Dakota Bighorn Sheep Auction tag..."

Glenn Eimers of White Lake, SD, emailed: "I am in favor of South Dakota's bighorn sheep auction tag!..."

Donald L. Massa, DDS, of Hot Springs, SD, emailed: "I would like to support the proposed auction tag for the upcoming Bighorn sheep season..."

The public hearing concluded at 2:08 PM.

Respectfully submitted,

Jeffrey R. Vonk, Department Secretary

Minutes of the Game, Fish, and Parks Commission  
Teleconference February 3, 2014

2

Vice Chairman John Cooper called the teleconference meeting to order at 2:01 PM. Roll call indicated Commissioners John Cooper, Paul Dennert, Barry Jensen, Gary Jensen, Cathy Peterson, Scott Phillips, Duane Sather, and Jim Spies were present. Roll call from conference rooms where the public could listen to the proceedings were the Game, Fish, and Parks at the Sioux Falls Region 3 office, the Rapid City Region 1 office, the Lewis and Clark RA Park Office near Yankton, and the Joe Foss Building in Pierre were answered.

Vice Chairman Cooper welcomed Commissioners Paul Dennert and Scott Phillips to their first meeting of the Game, Fish, and Parks Commission.

Cooper called for a motion to go into Executive Session to discuss legal and contractual matters.

Peterson made a motion with second by Spies TO GO INTO EXECUTIVE SESSION. Motion carried unanimously by roll call vote. Ascher indicated the Commissioners were to hang up and dial into the Executive Session per instructions provided earlier in the day. The Executive Session would last about half an hour and the public were welcome to remain on the call or dial back into the meeting in half an hour. The conference room locations in Sioux Falls, Rapid City, Yankton, and Pierre would remain on the conference call and the Commissioners would return to the public meeting upon completion of the Executive Session. A roll call would be called again as the Commission cannot take action during Executive Session.

### **Executive Session**

The Executive Session began at 2:13 PM with roll call indicating Commissioners Cooper, Dennert, Barry Jensen, Gary Jensen, Peterson, Phillips, Sather, and Spies were present. GFP Department Secretary Jeff Vonk, GFP Attorney Richard Neill, Parks Director Doug Hofer, Concession Manager Sean Blanchette, Attorney Paul Bachand, Parks Regional Manager Jeff VanMeeteren, and recording secretary Debra Ascher were present for the Executive Session.

Secretary Vonk introduced Paul Bachand to the Commission. Bachand is the attorney representing the Department with legal and contractual matters regarding the Lewis and Clark Marina. Bachand briefed the Commission and answered questions.

Barry Jensen made a motion with second by Spies TO END THE EXECUTIVE SESSION. Motion carried with unanimous roll call vote and Executive Session concluded at 2:45 PM.

### **Division of Parks and Recreation**

Vice Chairman Cooper requested at 2:48 PM a roll call be taken to resume the regular meeting. Commissioners answering roll call were: Cooper, Dennert, Barry Jensen, Gary Jensen, Peterson, Phillips, Sather, and Spies. Roll call from conference rooms locations at the Game, Fish, and Parks offices at the Sioux Falls Region 3 office,

the Rapid City Region 1 office, the Yankton Lewis and Clark RA Park Office, and the in the Joe Foss Building in Pierre were answered.

Attorney Paul Bachand representing the Department presented a summary of a Settlement Agreement between the Lewis and Clark Marina Concessionaire and the Division of Parks and Recreation that defines the terms and the process for the concessionaire to sell his possessory interest in the marina and for the Department to issue a prospectus soliciting interested parties wishing to enter into a lease to operate the Lewis and Clark Marina and Restaurant. Bachand recommended Commission approval of the Settlement Agreement.

Parks Director Doug Hofer presented Prospectus Items for the Lewis and Clark Marina Concession which included information about the current contract, services currently offered, and the process to secure a new concessionaire. Based on a survey completed by boaters and customers of the Lewis and Clark Marina, the Department is recommending the new lease require an expansion of required restaurant hours to include breakfast on the weekends, and Monday holidays during the summer, and add a requirement that the marina service department is open on weekends during the summer.

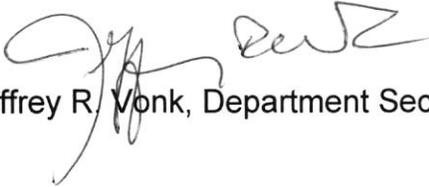
Hofer requested Commission approval to advertise a Request for Proposal (RFP) to solicit a Concessionaire to operate the concession at the Lewis and Clark Marina in the Lewis and Clark Recreation Area west of Yankton. The current Concession Agreement will expire on December 31, 2014. In accordance with A.R.S.D. Chapter 41:13, the Division is developing a prospectus and a draft ten year concession agreement. The current Concessionaire's property has been appraised per A.R.S.D. 41:13. The Department and the current Concessionaire have entered into a Settlement Agreement to resolve issues that may arise in connection with the Prospectus, solicitation of bids and awarding of the New Concession Lease, and to anticipate the possibility of transfer of the operations and assets at Lewis and Clark Recreation Area to a new concessionaire. The deadline for RFP responses will be set for no later than June 30, 2014. A bid selection is anticipated to take place prior to September 30, 2014, with a recommendation for a final concession lease being presented to the Commission prior to December 31, 2014. Director Hofer is seeking concurrence from the Commission to move forward with this process.

Gary Jensen made a motion with second by Barry Jensen TO APPROVE THE SETTLEMENT AGREEMENT ENTERED INTO BETWEEN THE DEPARTMENT AND THE CURRENT CONCESSIONAIRE AND AUTHORIZE THE DEPARTMENT TO ISSUE AND ADVERTISE A REQUEST FOR PROPOSAL FOR A CONCESSIONAIRE TO PURCHASE AND OPERATE THE MARINA CONCESSION AT LEWIS AND CLARK RECREATION AREA IN ACCORDANCE WITH THE TERMS AND CONDITIONS OF THE SETTLEMENT AGREEMENT ENTERED INTO BETWEEN THE DEPARTMENT AND THE CURRENT CONCESSIONAIRE AND LEASE STANDARDS AS DISCUSSED IN THE SUMMARY PROVIDED TO THE COMMISSION AND ATTACHED HERETO. FINAL CONCESSIONAIRE SELECTION AND CONCESSION

AGREEMENT WILL BE SUBJECT TO COMMISSION APPROVAL (Attachment A and B). Motion carried unanimously by roll call vote.

Peterson made a motion with second by Sather TO ADJOURN THE MEETING. Roll call vote showed unanimous vote to adjourn and meeting adjourned at 2:59 PM.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Jeffrey R. Vonk', written in a cursive style.

Jeffrey R. Vonk, Department Secretary

SETTLEMENT AGREEMENT  
LEWIS AND CLARK MARINA

This Settlement Agreement is made and entered into this 30<sup>th</sup> day of January, 2014, by and between the State of South Dakota, Department of Game, Fish and Parks (hereinafter "Department"), of 523 East Capitol, Pierre, SD 57501, and Lewis and Clark Marina, LLC. (hereinafter "Concessionaire") of 43527 Shore Drive, Yankton, SD 57078.

WHEREAS, Concessionaire is the concessionaire under an existing concession lease agreement, as amended, with Department, for the operation of facilities and concessions at Lewis and Clark State Recreation Area, which said concession lease will expire on December 31, 2014; and

WHEREAS, in accordance with ARSD 41:13, the Parks and Recreation Division of the Department is presently in the process of developing a Prospectus for the issuance of a new concession lease at Lewis and Clark Recreation Area (hereinafter "New Concession Lease"); and

WHEREAS, the parties desire to enter into an agreement in advance to resolve issues that may arise in connection with the Prospectus, solicitation of bids and awarding of the New Concession Lease and to anticipate the possibility of transfer of the operations and assets at Lewis and Clark Recreation Area to a new concessionaire;

NOW, THEREFORE, in consideration of the mutual covenants and agreements hereinafter made by and between the parties hereto, the parties agree as follows:

1. The entirety of this agreement including all terms and conditions of this agreement is subject to approval by the South Dakota Game Fish and Parks Commission (hereinafter "Commission"). Should the Commission not approve this agreement, this agreement is null and void without further action by either party to this agreement.
2. Subject to approval by the Commission, the Commission will issue a Prospectus in connection with soliciting bids for the new Lewis and Clark concession lease which will provide for the following:
  - a. That a new concessionaire shall be required to purchase Concessionaire's interest in concessionaire facilities and personal property used in providing concession services at a total price of \$3,000,000 as more fully explained and itemized on the "Summary Appraisal Report of the Leasehold Interest Held By Lewis and Clark Marina" dated Feb 3, 2014, attached hereto and Exhibit "A" and incorporated herein by this reference.

- b. That a new concessionaire shall be required to purchase Concessionaire's interest in intangibles used in providing concession services at a total price of \$37,000 as more fully explained and itemized on the "Intangible Listing" attached hereto and Exhibit "B" and incorporated herein by this reference.
  - c. Closing is anticipated to take place on or before January 9, 2015. The closing site shall be a neutral site such as a title insurance company or bank. Any escrow closing costs shall be the expense of the new concessionaire. Concessionaire shall cooperate with all reasonable closing requirements which are necessary to close the transaction in a business-like manner. Concessionaire will upon full payment for all such property on the appraisal, provide a Bill of Sale to the new concessionaire at closing.
  - d. All payments to Concessionaire by the new concessionaire required under this Agreement and under the Prospectus shall be made in full at the time of closing.
3. Should the Concessionaire sell his interest as a result of the prospectus issued pursuant to paragraph 2, the Department will reimburse the Concessionaire for improvements made to Government Facilities in the total amount of \$63,000. This amount is due and owing on or before January 31, 2015, only upon the following conditions:
- a. A new concessionaire is approved by the Commission and the new concessionaire enters into a Commission approved concession lease for the Lewis and Clark Marina with the Department on or before January 9, 2015;
  - b. The new concessionaire purchases the concessionaire's interest pursuant to the prospectus issued pursuant to paragraph 2 and closes on that purchase on or before January 9, 2015;
  - c. The Concessionaire transfers all items as contained in the prospectus and Exhibit "B" to the new concessionaire on or before January 9, 2015; and
  - d. The Concessionaire does not commit a material breach of the lease agreement dated January 19, 2005 including any amendments and a satisfactory inspection of the Lewis and Clark Marina Concession Area and related facilities including Concessionaire Facilities and Government Facilities.
  - e. In the event the Concessionaire operates the marina for an additional season pursuant to Section 11 below, the reimbursement amount set forth herein shall be reduced to \$51,000 and payable in a like manner no later than January 31, 2016 conditioned upon the Concessionaire not committing a material breach of the lease agreement dated January 19, 2005 including any amendments, a satisfactory inspection

of the Lewis and Clark Marina Concession Area and related facilities including Concessionaire Facilities and Government Facilities and the Concessionaire compliance with all terms contained in Section 11 below.

4. The parties agree that in the final period of operation of the current concession agreement, it may be necessary for the Concessionaire to purchase items of personal property for the continued operation of Lewis and Clark Marina. It is expected that from time to time personal property items, including but not necessarily limited to such items as dock items, refrigerators, small kitchen appliances, etc., will become inoperable and not repairable, and will need to be replaced. The agreed to inventory of property and the associated values will be adjusted as the purchases / replacements occur, and changes to the inventory will be communicated within a reasonable time of purchase with proof of purchase to the Department. The value of the inoperable item(s) will be deducted from the inventory and the value at cost of the replacement item(s) will be added. It is expected and agreed that items purchased will be similar in style, function and cost as the item(s) being replaced. Concessionaire agrees that while these purchases may be reasonably necessary and required, it is not interested in larger purchases during this final period of operation and will not be required to purchase any such larger items for replacement in Concessionaire's discretion. It is agreed that before Concessionaire purchases any item(s) with an aggregate purchase price of \$2,000.00 or more, it must receive the prior written approval of the Department which may not be unreasonably withheld; and provided further, that the requirement for prior written approval shall be waived in emergency situations where the Department is not available. In an emergency situation, Concessionaire shall be allowed to immediately order replacement items priced in excess of \$2,000.00, provided that the Concessionaire shall notify the Department (see Paragraph #20) as soon as reasonably possible following such purchases.
5. The parties agree that in the event it becomes necessary for a transition of management and operations from Concessionaire to a new, as yet to be identified or selected concessionaire at the termination of the current concession agreement, it shall be necessary and required for purposes of purchase by a new concessionaire to conduct an inventory of perishable items maintained in stock and in the possession of Concessionaire at the termination of the concession agreement. These items will include but not necessarily be limited to marketable merchandise and sundries from the retail store, kitchen and food stuffs and goods, cleaning supplies, maintenance and repair parts and supplies, etc. Values and compensation for inventoried items not covered under the appraisal shall be inventoried and valued as agreed upon by Concessionaire and the new Concessionaire. In the event that

Concessionaire and the new concessionaire cannot reach an agreement, the values of compensation for inventoried items not covered by the appraisal shall be based on actual invoice costs to Concessionaire. In the event Concessionaire is unable to produce invoices for the same, the items may be valued by an appraiser at the equally shared expense of the Concessionaire and new concessionaire. The new concessionaire shall be required to pay Concessionaire for such inventoried items excluded from the appraisal at closing.

6. The parties acknowledge that additional personal property may be identified subsequent to the execution of this Agreement which was not included in the appraisal conducted by Shaykett Appraisal Company, Inc. of Sioux Falls, South Dakota. The parties agree that Concessionaire in its sole discretion may either maintain possession of this property or arrange on its own to sell it to a new concessionaire or other third parties.
7. Concessionaire agrees to cooperate with the Department in scheduling and providing staff to assist with an initial site visit by prospectus bidders. Concessionaire agrees to waive any claim for compensation for the time of its principals or staff in participating in the initial site visit of the premises. Additional site visits shall be permitted, provided, however, that such site visits shall be supervised by the Department, and need not involve Concessionaire, its principals or staff, and arrangements for such additional site visits shall be made by mutual agreement with Concessionaire at least twenty-four (24) hours in advance to keep to a minimum any disruption to Concessionaire or resort guests. Concessionaire agrees that it will not independently respond to inquiries received from potential prospectus bidders. In the event it receives such inquiries, Concessionaire agrees to advise any potential prospectus bidders that any inquiries must be made in writing directed to the Department. If the Department is unable to provide a satisfactory response to such inquiries, it will forward such inquiries to Russell Marsh, who shall within seven (7) days of his receipt thereof provide the Department with Concessionaire's reasonable written response to such inquiries. Upon its receipt of Concessionaire's responses, the Department will forward responses to inquiries to all Prospectus bidders. In addition, Concessionaire agrees to waive any claim for compensation for the time of its principals or staff spent in participating in a tour of the premises and reasonable review of the property with a prospective or new concessionaire.
8. Concessionaire, its officers, and authorized representatives, agrees to take no actions or make representations of any kind which are designed or intended to discourage or influence interested parties from bidding for the new Lewis and Clark Marina Concession Lease or to influence the amount of the bid by a prospective concessionaire. Concessionaire will not misrepresent any matters concerning the resort facilities or concessions to a prospective concessionaire.

9. Following selection of the new concessionaire and no later than December 31, 2014, Concessionaire shall provide the new concessionaire with a dock reservation summary and boat storage fees as of the last day of the month prior to the selection of the new concessionaire and thereafter update it on a monthly basis. The dock reservation summary and boat storage summary shall include, for each dock or boat stored, a summary of the renter and the amounts of advanced deposits received. At closing, Concessionaire shall provide the new concessionaire with a complete accounting of receipts for dock reservations, advance deposits and boat storage fees. All dock rental fees and all boat storage fees collected by Concessionaire in advance for any effective period after the expiration of the current Concession Agreement shall be paid over to the new concessionaire at the time of closing with the new concessionaire. The Concessionaire shall pay over to the new concessionaire the pro-rata share of boat storage fees.
10. Financial information, except for tax returns, required under the current Concession Agreement may be included in the prospectus or made available to prospective bidders in regards to developing their proposals for the operation of the marina.. The Concessionaire will cooperate with the Department in providing additional financial information and documents, including tax returns, to potential bidders. The disclosure of proprietary information and tax returns of the Concessionaire may be conditioned upon a confidentiality provision.
11. Should the Commission not select a new concessionaire or should a new concessionaire selected by the commission not enter into a Commission approved concession lease for the Lewis and Clark Marina with the Department on or before December 31, 2014;, the Concessionaire may operate the marina as defined in Exhibit A-1 and A-2 in the concession lease agreement for no more than one additional year subject to the following:
  - a. That the Concessionaire complies with the current Concession Agreement and amendments during 2014 and commits no material breach of that agreement.
  - b. That all terms and conditions of the current Concession Agreement shall remain in full force and effect, except as may be modified herein. All notice of default, materiality conditions, and cure periods set forth in the Concession Agreement are hereby restated and incorporated herein by this reference;
  - c. During the additional operating season contemplated in this Section, the Concessionaire agrees to operate the Marina as required under the existing lease and any amendments and additionally as follows:
    - i. The service department will open from 8 a.m. to 5 p.m. each day of the week; and

- ii. The marina restaurant will be open at 7 a.m. on weekends for breakfast.
- iii.

12. Should the Concessionaire not operate the marina in 2015 either by choice or due to failure to cooperate the marina pursuant to the requirements set forth in Section 11 above, the Concessionaire, hereby consents to the Department obtaining a temporary operator. In such event, the Concessionaire is entitled to compensation as provided in Section 13(c)(2) of the Concession Agreement.

13. In any event, Concessionaire shall be required to remove all concessionaire facilities, not including leasehold improvements, and personal property and restore all Government Facilities to a condition satisfactory to the Department on or before December 31, 2015.

14. This Agreement reflects the complete and final expression of the parties' agreement, superseding all prior negotiations or agreements, whether written or oral. This agreement may not be modified or amended except as authorized by the Commission, in writing and executed by all parties.

15. Any reference in this agreement to a party shall be construed to include that party and its officers and directors, shareholders, members, successors, assigns, heirs, devisees, administrators, parents and subsidiaries, affiliates, employees, and agents. This Agreement is binding upon and inures to the benefit of each party to this agreement, and to all officers, directors, shareholders, members, successors, assignees, devisees, administrators, parents and subsidiaries, affiliates, employees, and agents.

16. This Agreement may be executed in identical counterparts. Each counterpart shall be deemed and original of this Agreement.

17. The parties agree to execute, file and deliver such additional documents and instruments, and to perform such additional acts as are necessary, appropriate, or reasonably requested to effectuate, consummate, or perform and of the terms, provisions or conditions of this agreement.

18. The parties each warrant and represent that they have read this Agreement and have been fully informed and have full knowledge of the terms, conditions, and effects of this Agreement, and they have either personally or through their attorneys, fully investigated their full satisfaction the fact surrounding the various issues and matters sought to be addressed and resolved herein, and understand and are satisfied with the terms and effects of this Agreement, which are contractually binding. The parties agree that no promise or inducement had been offered or made except as herein set forth,

and that this Agreement is executed of their own free act and deed without reliance on any statement or representation except as herein set forth.

19. Any interpretation or construction of the terms and conditions set forth in this agreement shall be governed by the laws of the State of South Dakota.
20. Concessionaire hereby designates Russell Marsh as its authorized representative for all purposes under this Agreement including but not limited to the authority to execute same on behalf of Concessionaire. The Department hereby authorizes Douglas Hofer as its authorized representative for all purposes under this Agreement including but not limited to the authority to execute same on behalf of the Department. The parties warrant that they have taken or will take within a reasonable period of time, all action necessary in order to authorize and/or ratify the making and execution of this Agreement and will verify the same with authenticated copies of corporate and commission resolutions appropriate for the same.
21. Both parties agree that a copy of his executed Agreement will be made a part of the Prospectus.

Dated this 30<sup>th</sup> day of Jan., 2014.

LEWIS AND CLARK MARINA, LLC

By: Russell Marsh  
Russell Marsh  
Lewis and Clark Marina, LLC.

THE STATE OF SOUTH DAKOTA,  
DEPARTMENT OF GAME, FISH AND  
PARKS

By: Douglas Hofer  
Douglas Hofer, Director, Division of Parks  
and Recreation

EXHIBIT B  
SETTLEMENT AGREEMENT  
LEWIS AND CLARK MARINA  
"INTANGIBLE LISTING"

The following is a list of intangible items relative to the operation of Lewis and Clark Marina which shall be transferred and provided to the successor concessionaire in accordance with Sections 2 and 3 of the Settlement Agreement:

- All trademark, copyrights and other rights and title to the name "Lewis and Clark Marina".
- Rights to the website domain "<http://lewisandclarkmarina.com>"
- All phone numbers currently listed for the marina will remain with the marina after lease transfer
- All original copies of current slip and storage leases and associated lessee contact information
- All marina slip and storage fee deposits collected in advance for future seasons
- Marina slip waiting list and all associated customer contact information
- All outstanding Service Department works orders to include customer name and contact information, date order was received, type of repair requested, status of repair or parts ordered.

## Lewis and Clark Marina Prospectus Items

### **Current Concession Contract**

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The current concessionaire, Russell Marsh, has operated the business under a Concession Agreement with the Department since January 19, 2005. The lease is subject to the 1990 version of Concession Rules A.R.S.D. 41:13.

The current Franchise Fee structure is a base \$42,000 plus 7% of Gross Receipts in excess of \$700,000. In accordance with state law, a promotion fee of 3% is also assessed.

The current Agreement is set to expire on December 31, 2014. Per 41:13 (1990) the value has been established by an appraisal. The appraised value of the Concessionaire's physical assets to be transferred to the subsequent owner is \$3,000,000. Additionally, the price for intangible items such as the Marina website, the name "Lewis and Clark Marina", all customer records, etc, has been settled at \$37,000. Therefore, the total sale price for the Marina operation is established at \$3,037,000.

### **The Concession**

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Lewis and Clark Marina is located at Lewis and Clark Recreation Area 5 miles west of Yankton. Currently, the following services are offered there:

- Marina offering roughly 400 seasonal boat and personal watercraft rental slips.
- Slips for overnight boat dockage.
- Two free public use courtesy docks.
- On the water marina fuel sales
- Boat rental
- Boat, motor and trailer repair and service.
- Convenience store offering grocery items, boating supplies and merchandise, off-sale beer sales
- Trailer storage and off-season boat storage.
- Restaurant food service

### **Recommended Requirements of New Concession Agreement**

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The terms being sought by the Department for the new Concession agreement at Lewis and Clark Recreation Area are as follows:

- Term: will be offered at ten (10) years for the required initial investment and lease terms
  - The Commission may consider a longer lease term in consideration of an additional proposed capital investment
- Required Minimum Services:
  - A minimum of 400 boat slips for seasonal rental.
  - A minimum of 50 Personal Watercraft docks for seasonal rental

- All rental slips must have water and security services. At least 80 percent of boat slips must have electrical service
  - Slips for overnight boat dockage.
  - Two free public use courtesy docks.
  - On the water marina fuel sales
  - Operation of a marina sanitary pump out station at no cost to users.
  - A flashing beacon at the mouth of the marina basin and red and green channel marking lights,
  - Covered slip storage for the one Department law enforcement boat and open slip storage for one Department owned service boat at no charge to the Department.
  - Boat rental and basic operating instruction
  - Boat, motor and trailer repair and service.
  - Marina store including curios, souvenirs and boating, fishing and camping supplies and accessories.
  - Trailer storage and off-season boat storage.
  - Restaurant food service.
  - Wireless telecommunication service in the Marina
- Franchise Fee: will be a minimum of:
    - \$42,000 base rental fee annually;

AND

    - Seven percent (7%) on all Gross Receipts in excess of \$700,000
  - Promotion Fee: will be 3% on all Gross Receipts
  - Repair and Maintenance Reserve: Concessionaire will be required to establish a minimum Repair and Maintenance Reserve for Government Facilities in the amount of two (2%) of all Gross Receipts. *This is a new requirement for Lewis and Clark Marina and is stipulated by the 2005 version of A.R.S.D. 41:13 to which the new lease will be subject.*

### **Prospectus and Draft Lease Agreement**

The Division of Parks and Recreation is currently developing a prospectus and draft concession agreement for the operation of Lewis and Clark Marina. The Department's goal is to advertise a new concession agreement starting approximately February 15<sup>th</sup> with the intent of advertising with a bid deadline of no later than June 30, 2014. In addition to the newly established R&M fund listed above, the following are the proposed modifications to the current Marina operation:

1. The restaurant has traditionally been required to be open from 11:00 AM to 9:00 PM, seven days per week during the minimum required operating season. However, in response to the results of a marina customer service survey in 2012, we will propose an expansion of restaurant hours to

include breakfast on the weekend and Monday holidays during the minimum required restaurant operating season (May 15 – Labor Day)

2. The Service Department at the Marina has historically operated Monday through Friday. The 2012 customer service survey results indicated that the weekend Service Department hours are needed at the marina to address customer needs during peak use periods. Therefore, we are proposing that beginning with the new lease, the Service Department is open seven days per week from May 1 to October 15.

### **Settlement Agreement**

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The Settlement Agreement establishes the terms of transfer to a subsequent concessionaire and will be included in the forthcoming prospectus. The key provisions are as follows:

- Total sale price will be advertised at \$3,037,000
- \$3,000,000 for the dock system, equipment and personal property of the Concessionaire which is necessary to the Marina operation
- \$37,000 for intangibles as listed in the Settlement Agreement
- Closing is set to take place on or before January 9, 2015 at which time, a final Commission approved Concession Agreement will be entered with the selected bidder.
- In event that the Marina does not sell pursuant to the forthcoming prospectus, the following provisions apply:
  - The current Concessionaire may operate the marina for no more than one additional year contingent on:
    - Compliance with all terms and conditions of the current Concession Agreement as amended.
    - The advertised new required business hours for the Restaurant and Service Department are followed
    - Should the current operator not operate the Marina in 2015 under this scenario, the Department retains the right to select a temporary operator
    - In any event, the current operator shall be required to remove all concessionaire facilities from the lease area by December 31, 2015.

**GAME, FISH & PARKS**

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

**John.Sayler@state.sd.us**

4

**REQUEST FOR LISTS OF LICENSE HOLDERS**

**Application for exception to regular fee**

Type of List Requested \_\_\_ Hunter and Anglers obtaining SD Hunting/Fishing licenses but hunt/fish in other areas of the state concentrating on Minnesota, Nebraska, Iowa, North Dakota and maybe Canada. \_\_\_\_\_

Number of licenses in list 4000/hunting and 4000/fishing \_\_\_\_\_

Name of Person, Entity, or Organization requesting list:  
**Pierre Area Chamber of Commerce and Convention & Visitor Bureau**

Address of Person, Entity, or Organization:  
**800 W. Dakota Ave., Pierre, SD 57501**

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

Email Address: **lries@pierre.org**

Phone Number  
**605-224-7361**

Purpose for which list will be used:  
We will be sending out a direct mail piece to the list of people to promote hunting/fishing in the Pierre Area. It is my understanding that you will not charge the Pierre Area Chamber of Commerce & CVB for the names. Thank you.

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

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

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

Lois Ries, CVB Director

2/12/2014

\_\_\_\_\_  
Authorized Signature of Purchaser Date

\_\_\_\_\_  
Date of Commission Action

**GAME, FISH & PARKS**

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

**John.Sayler@state.sd.us**

4a

**REQUEST FOR LISTS OF LICENSE HOLDERS**

**Application for exception to regular fee**

Type of List Requested Resident Small Game license list, Nonresident Small game license list

Number of licenses in list All available Nonresident preserve hunting license list

Name of Person, Entity, or Organization requesting list:

Pheasants Forever inc.

Address of Person, Entity, or Organization:

1783 Buerkle Circle

White Bear Lake, MN 55110

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

Email

Email Address: avavra@pheasantsforever.org (Andrew Vavra)

Phone Number

651-209-4947

Purpose for which list will be used:

will be used in an upcoming mailing for upland wildlife  
habitat conservation education and Pheasants Forever  
membership recruitment

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

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

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



Authorized Signature of Purchaser

4/29/14

Date

Date of Commission Action



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

John.Sayler@state.sd.us

4c

## REQUEST FOR LISTS OF LICENSE HOLDERS

### Application

Type of List Requested Non-Resident 5-Day Preserve License  
Number of licenses in list 1000

Name of Person, Entity, or Organization requesting list:

Tim Chandler - Glacial Lakes Hunting Lodge

Address of Person, Entity, or Organization:

15767 449th Ave Florence, SD 57235

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

Email Address:

tim@glaciallakesguideservice.com

Phone Number

605-881-6448

Purpose for which list will be used:

send information of our Hunting Lodge and what we have to offer.

### This list is Names and Mailing Addresses ONLY

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

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

Tim Chandler  
Authorized Signature of Purchaser

Date

2-28-14

Date of Commission Action

**GAME, FISH & PARKS**

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

**John.Sayler@state.sd.us**

4d

**REQUEST FOR LISTS OF LICENSE HOLDERS**

**Application**

Type of List Requested  Non-resident snow goose hunters \_\_\_\_\_

Number of licenses in list \_\_\_\_\_ ? \_\_\_\_\_

Name of Person, Entity, or Organization requesting list:  
Goosehog Outdoors Dan Hogfoss

Address of Person, Entity, or Organization:  
631 10<sup>th</sup> Ave East West Fargo, ND 58078

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

Email please

Email Address: dan@goosehogoutdoors.com

Phone Number

\_701-739-3130\_\_\_\_\_

Purpose for which list will be used:

Try to get additional hunters for my guide service

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

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

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

Dan Hogfoss

01/16/2014

Authorized Signature of Purchaser

Date

**GAME, FISH & PARKS**

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

Mary.Healy@state.sd.us

4e

**REQUEST FOR LISTS OF LICENSE HOLDERS**

Type of List Requested Fishing

Number of Licenses in list 5000 each near Rapid City - Sioux Falls

Name of Person, Entity, or Organization requesting list:

Rock Communications

Phone Number

641-711-3136

Address of Person, Entity, or Organization:

1117 East 14th Street North  
Newton, IA 50208

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

Email Address: Kellie.hala@rockcommunications.com

Purpose for which list will be used:

mail list for schools sports

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

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

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

Kellie Hala  
Authorized Signature of Purchaser

1-14-14  
Date

Date of Commission Action

# License Sales Totals

(as of Feb 27)

5

date updated: 27 February 2014

	2013	2014	% Change
Resident Predator/Varmint	688	606	-11.9%
Furbearer	2,175	1,927	-11.4%
Combination	17,292	15,980	-7.6%
Junior Combination	1,068	1,156	8.2%
Senior Combination	2,828	2,781	-1.7%
Resident Small Game	1,048	882	-15.8%
Resident Youth Small Game	335	339	1.2%
Resident 1-Day Small Game	135	111	-17.8%
Resident 1-Day Fishing	311	414	33.1%
Resident Annual Fishing	8,619	8,418	-2.3%
Senior Fishing	2,160	2,080	-3.7%
Resident Gamefish Spearing/Archery	1,204	1,273	5.7%
Resident Migratory Bird Certificate	9,346	8,930	-4.5%
Nonresident Predator/Varmint	659	520	-21.1%
Nonresident Furbearer	4	5	25.0%
Nonresident Small Game	2,790	2,069	-25.8%
Nonresident Youth Small Game	183	134	-26.8%
Nonresident Annual Shooting Preserve	58	35	-39.7%
Nonresident 5-day Shooting Preserve	341	364	6.7%
Nonresident 1-day Shooting Preserve	133	125	-6.0%
Nonresident Spring Light Goose	170	170	0.0%
Nonresident Youth Spring Light Goose	1	5	400.0%
Nonresident 1-Day Fishing	979	1,505	53.7%
Nonresident 3-Day Fishing	1,384	2,087	50.8%
Nonresident Annual Fishing	2,829	4,415	56.1%
Nonresident Family Fishing	1,129	1,456	29.0%
Nonresident Youth Annual Fishing	102	206	102.0%
Nonresident Gamefish Spearing/Archery	263	315	19.8%
Nonresident Migratory Bird Certificate	23	19	-17.4%
<b>TOTAL ON FILE =</b>	<b>58,257</b>	<b>58,327</b>	<b>0.1%</b>

# Finalizations

GAME, FISH AND PARKS COMMISSION ACTION  
FINALIZATION

7

**Possession, Processing and Transportation of Game**  
Chapters 41:06:03

Commission Meeting Dates:	Proposal	January 9-10, 2014	Ft. Pierre
	Public Hearing	March 6, 2014	Ft. Pierre
	Finalization	March 6-7, 2014	Ft. Pierre

**COMMISSION PROPOSAL**

Promulgate a new administrative rule to allow the purchase and sale of the skins of lawfully taken cottontail rabbits and fox squirrel, grey squirrel, and red squirrel.

Suggested wording of new rule:

**Sale of rabbit and squirrel skins.** The skins of cottontail rabbit, fox squirrel, grey squirrel, and red squirrel that have been lawfully taken by a licensed hunter may be offered for sale, sold, or purchased.

**DEPARTMENT RECOMMENDATION**

**Recommended changes from proposal:** None.

**SUPPORTIVE INFORMATION**

A petition was submitted to the Commission to create a rule to provide the allowance of the sale and purchase of cottontail rabbit and squirrels (both defined as small game) to make it legal to mount and sell similar to pheasants, grouse, and partridge as outlined in 41-11-2 and 41-11-8.

41-11-2. Taking, possession, sale or transportation of wild bird or small game prohibited except as provided. Except as permitted by § 41-11-10 and the rules prescribed by the Game, Fish and Parks Commission, no person may kill, catch, or have in possession, living or dead, any wild bird other than small game, or purchase, offer or expose for sale, transport, or ship within or without the state, any such wild bird or small game after it has been killed or caught. A violation of this section is a Class 2 misdemeanor.

41-11-8. Sale of parts of protected bird prohibited--Exceptions--Violation as misdemeanor. No part of the plumage, skin, or body of any bird protected by law may be sold or had in possession for sale, irrespective of whether such bird was captured or killed within or without the state, except that the plumage or skin of the Chinese pheasant, sharptail grouse, Hungarian partridge, and prairie chicken legally taken may be sold or had in possession for sale. A violation of this section is a Class 2 misdemeanor.

APPROVE \_\_\_\_\_ MODIFY \_\_\_\_\_ REJECT \_\_\_\_\_ NO ACTION \_\_\_\_\_

GAME, FISH AND PARKS COMMISSION ACTION  
FINALIZATION

8

USES OF PARKS AND PUBLIC LANDS  
CHAPTER 41:03:01

Commission Meeting Dates	Proposal	January 9-10, 2014	Ft. Pierre
	Public Hearing	March 6-7, 2014	Ft. Pierre
	Finalization	March 6-7, 2014	Ft. Pierre

COMMISSION PROPOSAL

Prohibit bait stations (as defined in ARSD 41:06:04:03) on lands owned by the department and on properties managed and classified by the department as Game Production Areas, State Parks, State Recreation Areas, State Lakeside Use Areas, State Nature Areas, and State Water Access Areas.

DEPARTMENT RECOMMENDATION

Recommended changes from proposal:

NONE

SUPPORTIVE INFORMATION

Current rule does not allow a person to establish, utilize, or maintain a bait station from August 15 to February 1, inclusive, to attract any big game animal. In recent years, there have been instances where persons have placed a bait station on a Game Production Area (GPA) or other department lands and later resulted in enforcement actions as individuals hunting over the stations have claimed not to be maintaining them. There are also instances where a hunter may not be aware of a bait station and place themselves in a precarious situation. To eliminate these situations and other associated concerns with bait stations, it is recommended by the Department that bait stations be prohibited on those lands described above.

**41:06:04:03. Methods prohibited.** A person may not establish, utilize, or maintain a bait station from August 15 to February 1, inclusive, to attract any big game animal, including wild turkey, and a person may not use an electronic call when hunting any big game animal except a mountain lion. A bait station is a location where grains, fruits, vegetables, nuts, hay, minerals, or any other natural food materials, commercial products containing natural food materials, or by-products of such materials are placed or maintained as an attractant to big game animals for the purpose of hunting. The use of scents alone does not constitute a bait station.

This section does not apply to foods that have not been placed or gathered by a person and result from normal environmental conditions or accepted farming, forest management, wildlife food plantings, orchard management, or similar land management activities.

A person is exempt from the bait station restrictions while participating in any depredation management activities directed by the department.

APPROVE

MODIFY

REJECT

NO ACTION

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

<b>Commission Meeting Dates:</b>	<b>Proposal</b>	<b>January 9-10, 2014</b>	<b>Ft. Pierre</b>
	<b>Public Hearing</b>	<b>March 6, 2014</b>	<b>Ft. Pierre</b>
	<b>Finalization</b>	<b>March 6-7, 2014</b>	<b>Ft. Pierre</b>

**COMMISSION PROPOSAL**

Amend public water safety zones in Clark, Hughes, and Perkins counties.

**Requirements and Restrictions:**

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

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

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

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

**Recommended changes:**

1. Amend the dates that boating is prohibited on Reid Lake (Clark County).

**41:04:02:12. Clark County public water safety zones.** The Clark County public water safety zone is the waters within Reid Lake designated as a "no boating zone" from ~~September 4~~ October 20 to December 31, inclusive.

2. Amend the existing "no wake zone" and "no swimming zone" at Spring Creek Recreation Area (Hughes County).

**41:04:02:32. Hughes County public water safety zones.** Hughes County public water safety zones are as follows:

(7) The waters inside the ~~two~~ floating breakwater protected areas area at Spring Creek Recreation Area are a ~~"no swimming zone"~~ and a ~~"no wake zone."~~ and the waters within 20 feet of the breakwater are a "no swimming zone."



GAME, FISH AND PARKS COMMISSION ACTION  
FINALIZATION

9a

3. Amend the boundaries of the existing "public swimming zone" and "no wake zone" on Shadehill Reservoir (Perkins County).

**41:04:02:52. Perkins County public water safety zones.** Perkins County public water safety zones are as follows:

(1) Shadehill Reservoir:

(a) The waters fronting on the north side of the reservoir beginning ~~at a point along the shoreline~~ 150 feet from shore directly in front of the center of the bathhouse picnic shelter and extending ~~200~~ 250 feet in each direction to the east along the shoreline are a "public swimming zone";

(b) The waters beginning approximately 300 feet south of the Ketterlings Point boat ramp and extending from the west shoreline to the east shoreline encompassing the bay where the Ketterlings Point boat ramp is located are a "no wake zone";

(c) The waters fronting ~~the Ketterlings Point Recreation Area~~ Ketterlings Point beginning ~~400~~ 150 feet from shore in the center of the lodge on the east side of the point and extending around the south end of the point ending approximately in the center of the lodge on the west-facing side of the point are a "no wake zone."



**DEPARTMENT RECOMMENDATION**

**Recommended changes from proposal:**

NONE

**SUPPORTIVE INFORMATION**

The Department recommends amending the period when boating is prohibited on Reid Lake (Clark County). The later start (from September 1 to October 20) to the boating closure will allow for additional fall fishing opportunity on Reid Lake during September and early-October, while still serving its purpose to minimize disturbance to waterfowl during the peak of the fall migration. The October 20 – December 31 closure is already utilized on several other eastern South Dakota lakes.

GAME, FISH AND PARKS COMMISSION ACTION  
FINALIZATION

96

The Spring Creek Marina on Lake Oahe has been relocated to the bay that also houses the public boat ramp. The department recommends that the water within 20 feet of the floating tire breakwater structure be designated as a "no swimming zone". The structure represents a hazard both above and below water. The structure is made of surplus tires cabled together and has no decked surface. The breakwater is anchored with multiple steel cables. Young people especially, are attracted to breakwater as an obstacle course and diving platform and serious injury or entrapment can result from these activities. The department also recommends that the "no swimming zone" in the balance of the bay be removed. The Spring Creek Marina concessionaire supports the proposed change and has the right to restrict swimming off of the marina boat slips if they feel it is needed. This is consistent with the water zoning at other marinas within South Dakota state park areas.

The Department recommends amending both the "public swimming zone" on the north side of the reservoir and the "no wake zone" fronting Ketterlings Point on Shadehill Reservoir (Perkins County). Shadehill Reservoir has seen an increase in recreational activity over the last several years. The area surrounding Ketterlings Point has become a popular spot for both swimmers and boaters. Ketterlings Point boat ramp sits on the east side of Ketterlings Point and once boaters leave the boat ramp, they tend to travel along Ketterlings Point. Department staff has received numerous complaints regarding boats, including personal watercraft, that travel too close to people swimming in the water. Most of these vessels are operating outside of the existing "no wake zone" that is set 100 feet from shore. Extending the existing "no wake zone" to 150 feet from shore would serve to better protect swimmers and water enthusiasts from boats that are underway.

The swim beach on Shadehill Reservoir is located east of Ketterlings Point on the north side of the impoundment. A boat ramp was installed several years ago on the east side of the swim beach. The swim beach no longer has a bathhouse associated with it, thus the need for a more accurate zoning description. The proposed changes would also create a buffer zone for people trying to launch boats.

APPROVE

MODIFY

REJECT

NO ACTION

# GAME, FISH, AND PARKS COMMISSION ACTION FINALIZATION

10

## MOTORBOATS AND WATERCRAFT CHAPTER 41:04:05

Commission Meeting Dates	Proposal	Jan 9-10, 2014	Ft. Pierre
	Public Hearing	March 6, 2014	Ft. Pierre
	Finalization	March 6-7, 2014	Ft. Pierre

### COMMISSION PROPOSAL

1. Amend 41:04:05:06 to incorporate the federal navigation rules of the road by reference.
2. Repeal 41:04:05:10 thru 12 due to the incorporation of federal navigation rules by reference.
3. Create a new rule, 41:04:05:19, to address the overloading of boats.

#### Recommended changes:

**41:04:05:06. ~~Applicability of traffic rules~~ Navigation rules.** ~~The traffic rules of the road provided in §§ 41:04:05:07 to 41:04:05:16, inclusive, are applicable to a boat when underway, whether the boat has headway or sternway. The rules apply to boats that are adrift or not under control, regardless of how they are powered. The navigation rules for all boats underway on the waters of the state are those in 33 CFR § 83.01-83.19 (December 18, 2013).~~

**41:04:05:10. ~~Overtaking -- Right-of-way.~~** ~~A boat is considered to be overtaking another boat when it is approaching from behind. The leading boat has the right-of-way and the overtaking boat has no right-of-way. In all instances an overtaking boat shall keep clear of an overtaken boat. Repealed.~~

**41:04:05:11. ~~Procedure for passing oncoming boats.~~** ~~If two boats are approaching each other head-on or nearly so, each pilot shall swing the bow of the boat to starboard and pass port side to port side. If equipped with a horn, each pilot shall give a short blast of the horn and, in addition to the sounding of the horn, each pilot shall indicate what the pilot's course will be by swinging the bow sharply to starboard. Repealed.~~

**41:04:05:12. ~~Passing of boat with tow.~~** ~~A boat with a tow is considered one boat. Boats passing a tow shall slow down if there is a chance their wash or wave will cause damage. Repealed.~~

**41:04:05:19. Overloading prohibited.** A boat shall not be loaded with passengers or cargo beyond its safe carrying capacity and the total horsepower of any inboard or attached outboard motor shall not exceed the total horsepower rating as stated on the capacity plate and affixed to the boat by the manufacturer.

### DEPARTMENT RECOMMENDATION

#### Recommended changes from proposal:

**41:04:05:19. Overloading prohibited.** No person shall operate a boat loaded beyond the maximum number of persons, weight capacity, or a combination thereof as stated on the capacity plate and affixed to the boat by the manufacturer, nor shall a person operate a boat powered by an inboard or attached outboard motor where the total horsepower of the motor exceeds the total horsepower rating as stated on the capacity plate and affixed to the boat by the manufacturer.

# GAME, FISH, AND PARKS COMMISSION ACTION FINALIZATION

10a

## SUPPORTIVE INFORMATION

The navigational rules of the road are addressed in 41:04:05. However, the list is not all inclusive when compared to the federal listing. In order to better address navigational situations and educate the boating public on the rules of the road, the Department recommends adopting the inland navigation rules as listed in 33 CFR 83.01-83.19. Incorporating these rules by reference would allow for the repeal of three existing administrative rules.

Federal regulations have required capacity plates on monohull boats less than 20 feet in length (except sailboats, canoes, kayaks, and inflatables) since 1972. Unfortunately, there are still many boaters that are unaware that they exist, unsure of what they mean, or simply choose to ignore them. Law enforcement officers encounter vessels being operated while overloaded on a regular basis. Additionally, our department receives numerous calls from the boating public regarding the laws and regulations related to capacity plates on vessels. The adoption of this rule will allow law enforcement to better address overloading instances that occur on the water and enable agency staff to more effectively respond to inquiries from the boating public. At the same time, this regulation will reinforce the importance for the boating public to understand capacity plates, their meaning, and the potential safety issues that arise when boats are overloaded.

APPROVE       MODIFY       REJECT       NO ACTION

//

**GAME, FISH AND PARKS COMMISSION ACTION  
FINALIZATION**

**Refuges  
Chapter 41:05:02**

<b>Commission Meeting Dates:</b>	<b>Proposal</b>	<b>January 9-10, 2014</b>	<b>Ft. Pierre</b>
	<b>Public Hearing</b>	<b>March 6, 2014</b>	<b>Ft. Pierre</b>
	<b>Finalization</b>	<b>March 6-7, 2014</b>	<b>Ft. Pierre</b>

**COMMISSION PROPOSAL**

Proposed changes from last year:

1. Reclassify Reid Lake State Game Refuge to Reid Lake Waterfowl Refuge.

**41:05:02:12. Clark County refuges.** Clark County refuges are as follows:

(1) The Reid Lake State ~~Game~~ Waterfowl Refuge comprises all of the land and water area within the meandered line around Reid Lake in section 18, township 118 north, range 57 west of the fifth principal meridian; in sections 13 and 24 in township 118 north, range 58 west; all of lots one, five, and six in section 19, township 118 north, range 57 west; all of lots one and two in section 24, township 118 north, range 58 west; all of lots one, two, and three in section 13, township 118 north, range 58 west; all of the land in section 18, township 118 north, range 57 west, between the meandered line and the following line: beginning at a point 2,984 and 52/100 feet, 45 and 22/100 chains, south from the northwest corner of section 18, township 118 north, range 57 west on the section line between section 18, township 118 north, range 57 west, and section 13, township 118 north, range 58 west; then 175 feet north along the section line between sections 18 and 13; then north 111 degrees east, 460 feet; then north 113 degrees east, 1,360 feet; then north 120 degrees east, 409 feet; then north 185 degrees east, 711 feet; then north 159 degrees east, 1,500 feet; then north 168 degrees east, 1,140 feet; then south 90 degrees east, 400 feet; then south 90 degrees east, 700 feet; then south 89 degrees west, 1,843 feet; then south 153 degrees west, 190 feet; then south 162 degrees 30 minutes west, 270 feet; then south 167 degrees west, 525 feet; then south 178 degrees west, 920 feet; then south 141 degrees west, 526 feet; then south 120 degrees west, 730 feet to a point on the section line between section 18, township 118 north, range 57 west and section 19, township 118 north, range 57 west, 1,755 feet west of the southeast corner of section 18, township 118 north, range 57 west;

**DEPARTMENT RECOMMENDATION**

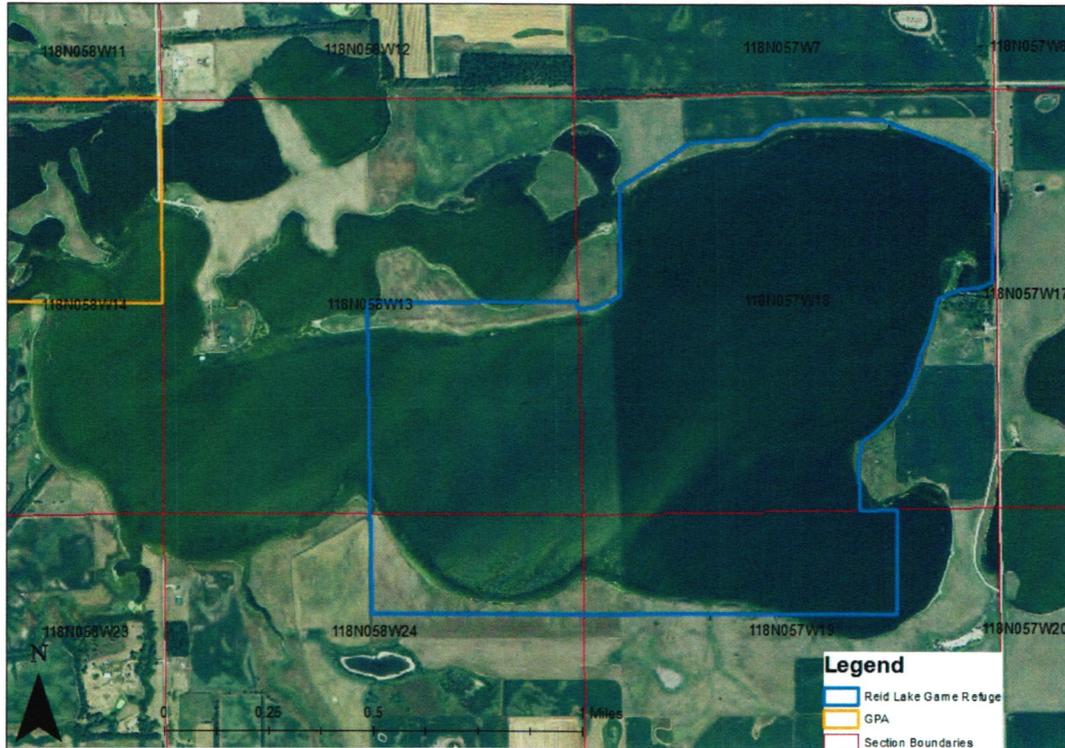
Recommended changes from proposal: None.

**STAFF COMMENTS**

Though there are limited opportunities for upland and big game, reclassification of this refuge would increase hunter opportunity for this refuge. Landowners associated with this refuge feel the area is important for migrating waterfowl.

<b>APPROVE</b> _____	<b>MODIFY</b> _____	<b>REJECT</b> _____	<b>NO ACTION</b> _____
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# Reid Lake Game Refuge - Clark County *11a*



## COMMISSION PROPOSAL

### Proposed changes from last year:

2. Reclassify White Lake State Game Refuge to White Lake Waterfowl Refuge and modify boundary description.

**41:05:02:45. Marshall County refuges.** Marshall County refuges are as follows:

### Current

(1) The White Lake State Game Bird Refuge comprises the southeast quarter of section 25, and all of section 36, township 128 north, range 57 west of the fifth principal meridian;

### Recommended

(1) The White Lake Waterfowl Refuge comprises the water area within White Lake in the southeast quarter of section 25, and all of section 36, township 128 north, range 57 west of the fifth principal meridian;

## DEPARTMENT RECOMMENDATION

Recommended changes from proposal: None.

## STAFF COMMENTS

This refuge currently includes 640 acres of White Lake Game Production Area and 160 acres of private land. Currently, this refuge is open to pheasant hunting the second Monday of December until the end of the season. Habitat enhancement for pheasants and other terrestrial wildlife has been completed and additional habitat management is planned for the near future. Private landowner is interested in reclassifying to waterline waterfowl refuge. This reclassification would provide additional upland hunting opportunities for the public.

APPROVE \_\_\_\_\_ MODIFY \_\_\_\_\_ REJECT \_\_\_\_\_ NO ACTION \_\_\_\_\_

**Current Refuge**

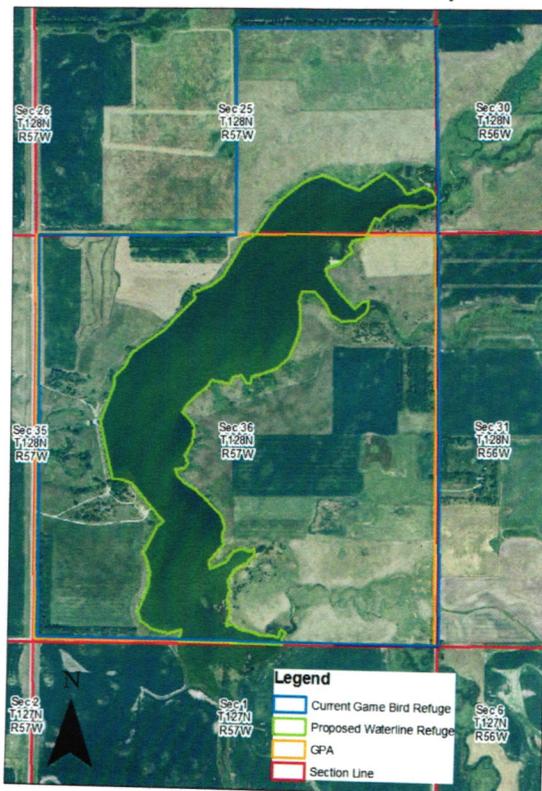
White Lake - Marshall Co.  
Game Bird Refuge

116



**Proposed Refuge**

White Lake - Marshall County



APPROVE \_\_\_\_\_ MODIFY \_\_\_\_\_ REJECT \_\_\_\_\_ NO ACTION \_\_\_\_\_

11c

**COMMISSION PROPOSAL**

**Proposed changes from last year:**

3. Remove the Stink Lake State Waterfowl Refuge.

**41:05:02:45. Marshall County refuges.** Marshall County refuges are as follows:

~~(2) The Stink Lake Waterfowl Refuge comprises the waters of East and West Stink Lake, including the island in West Stink Lake.~~

**DEPARTMENT RECOMMENDATION**

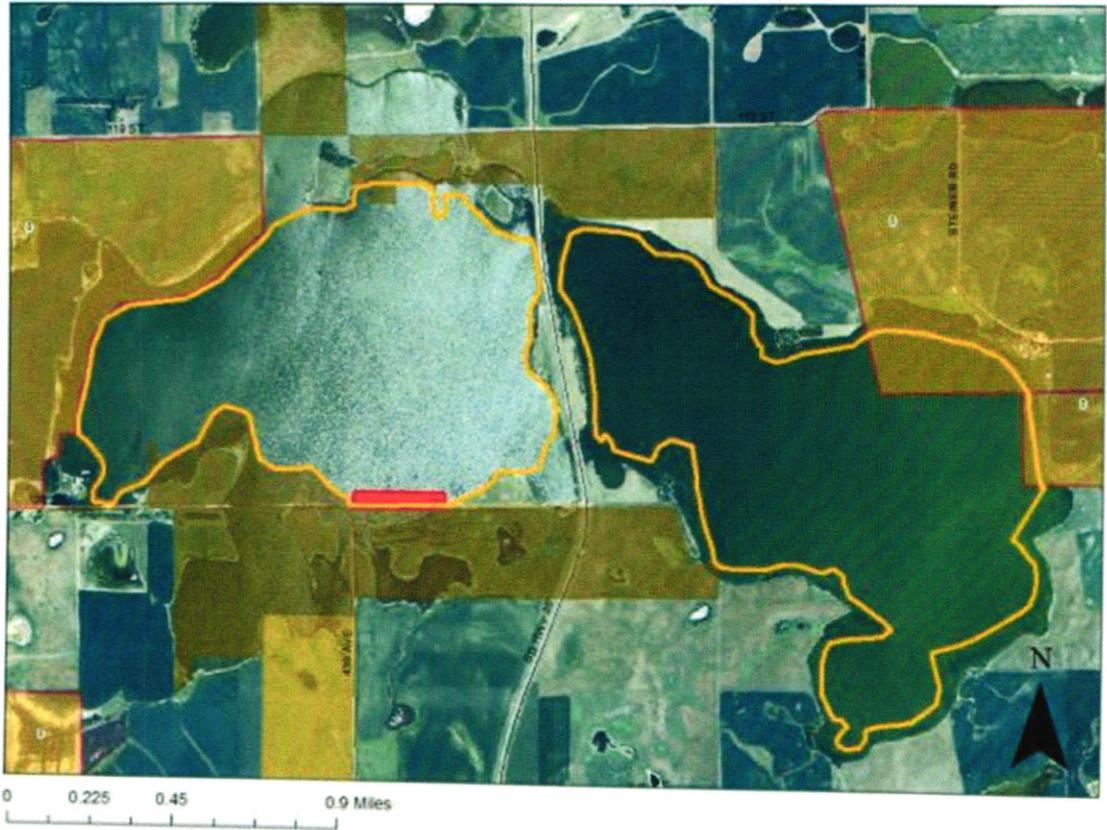
Recommended changes from proposal: None.

**STAFF COMMENTS**

Boating restrictions were removed on West Stink Lake several years ago and East Stink Lake in 2013. Canada goose feeding sites for crop depredation are no longer used on this particular location. With current water conditions, waterfowl have ample places to rest and this area is surrounded by Walk-In Areas and lands enrolled into the James River Watershed CREP.

**Current Refuge**

Stink Lake - Marshall Co.  
Waterfowl Refuge



APPROVE \_\_\_\_\_ MODIFY \_\_\_\_\_ REJECT \_\_\_\_\_ NO ACTION \_\_\_\_\_

11d

**COMMISSION PROPOSAL**

**Proposed changes from last year:**

- 4. Remove the Dry Lake State Waterfowl Refuge.

**41:05:02:28. Hamlin County refuges.** The following refuge is in Hamlin County: the Dry Lake State Waterfowl Refuge comprises the meandered area of Dry Lake.

**DEPARTMENT RECOMMENDATION**

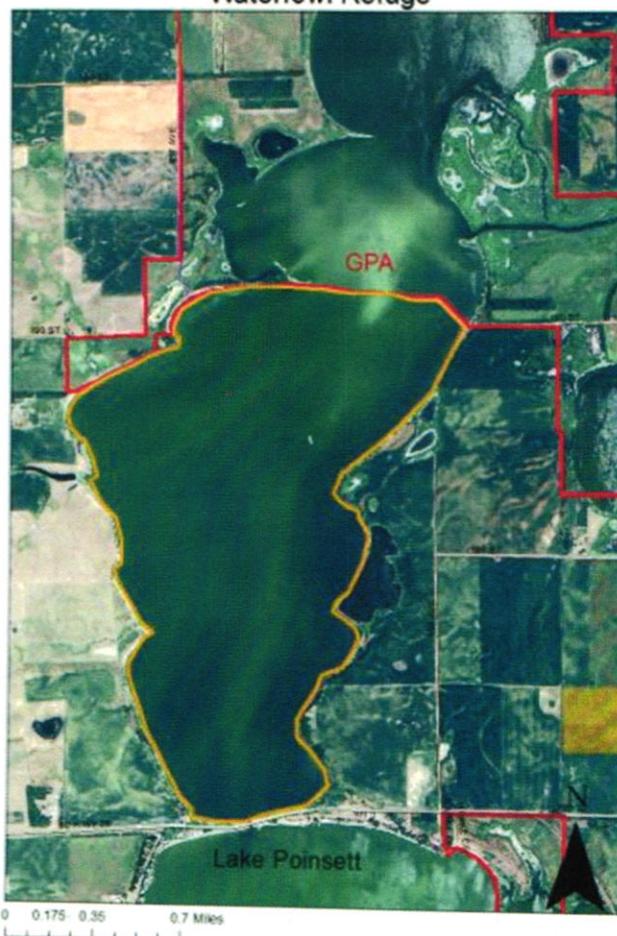
Recommended changes from proposal: None.

**STAFF COMMENTS**

This refuge is surrounded by Game Production Areas and Lake Poinsett to the south. Pass shooting for geese does not occur like it did in the past, thus the refuge doesn't serve its intended purpose anymore. The current refuge area itself has not been a good fishery so there should be limited boating pressure on any waterfowl.

**Current Refuge**

Dry Lake - Hamlin Co.  
Waterfowl Refuge



APPROVE \_\_\_\_\_ MODIFY \_\_\_\_\_ REJECT \_\_\_\_\_ NO ACTION \_\_\_\_\_

11e

**COMMISSION PROPOSAL**

Proposed changes from last year:

- 5. Remove the Bullhead Lake State Waterfowl Refuge.

**41:05:02:54. Roberts County refuges.** Roberts County refuges are as follows:

(2) ~~The Bullhead State Waterfowl Refuge comprises all of Bullhead Lake within the waters edge in sections 25, 26, 27, 34, and 35, township 123 north, range 49 west of the fifth principal meridian, including all islands and bars within the waters edge.~~

**DEPARTMENT RECOMMENDATION**

Recommended changes from proposal: None.

**STAFF COMMENTS**

Given current water conditions in general area for waterfowl use, this waterfowl refuge is no longer needed.

Current Refuge

**Bullhead Lake - Roberts Co.  
Waterfowl Refuge**



**APPROVE** \_\_\_\_\_ **MODIFY** \_\_\_\_\_ **REJECT** \_\_\_\_\_ **NO ACTION** \_\_\_\_\_

----- Original message -----

From: Mike McKnight <[msmcknight2912@gmail.com](mailto:msmcknight2912@gmail.com)>

Date: 02/11/2014 6:54 AM (GMT-06:00)

To: GFP Wild Info <[WildInfo@state.sd.us](mailto:WildInfo@state.sd.us)>

Cc: Bob Barden <[bojob10@pie.midco.net](mailto:bojob10@pie.midco.net)>, "Leif, Tony" <[Tony.Leif@state.sd.us](mailto:Tony.Leif@state.sd.us)>

Subject: Archery Deer Proposal

To GFP Commission and Staff:

On behalf of the South Dakota Bowhunters Inc we would like to propose an earlier start to the archery deer season in SD. As you are all aware, this was the subject of HB 1103 which SDBI opposed along with GFP as setting seasons is a more proper function of this Commission rather than the Legislature. Consistent with HB 1103, we would propose that the archery deer season start no later than the second Saturday in September. ARSD 41:06:22:01 currently provides as follows:

41:06:22:01. Archery deer hunting season established. The archery deer hunting season is open statewide from one-half hour before sunrise to one-half hour after sunset each day beginning on the fourth Saturday of September and remains open to January 15, inclusive, except as provided in § 41:06:22:02. Only an "any antlerless deer" license is valid January 1 to January 15, inclusive.

It would be a simple change of the rule to change the season start to either the "first" or "second" Saturday as determined by this Commission to be consistent with the deer management plan. While this would move the start either 2 or 3 weeks forward we would not oppose an elimination of the January 1 - 15 portion of the season if necessary for the deer management plan in SD. If that portion of the rule were changed there would also need to be changes made to ARSD 41:01:22:02.

SDBI supports the earlier start date as it would allow extra time for those that hunt public land to do so before the various waterfowl and pheasant seasons begin. It would also allow for at least a short combination hunt for antelope and deer. It has been said that moving the season up would also allow a bowhunter an opportunity to shoot a buck in velvet (which is a separate category in the Pope & Young record book) and while that is certainly more of a possibility with an earlier start in my experience most bucks are hard horned by early September.

Thank you for your consideration of this request.

Mike McKnight  
President SDBI  
2912 S. Duchess Ave.  
Sioux Falls, SD 57103

# Petition for Rule Change

----- Original message -----

From: Mike McKnight <[msmcknight2912@gmail.com](mailto:msmcknight2912@gmail.com)>

Date: 02/11/2014 6:54 AM (GMT-06:00)

To: GFP Wild Info <[WildInfo@state.sd.us](mailto:WildInfo@state.sd.us)>

Cc: Bob Barden <[bobjob10@pie.midco.net](mailto:bobjob10@pie.midco.net)>,"Leif, Tony" <[Tony.Leif@state.sd.us](mailto:Tony.Leif@state.sd.us)>

Subject: Archery Deer Proposal

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It would be a simple change of the rule to change the season start to either the "first" or "second" Saturday as determined by this Commission to be consistent with the deer management plan. While this would move the start either 2 or 3 weeks forward we would not oppose an elimination of the January 1 - 15 portion of the season if necessary for the deer management plan in SD. If that portion of the rule were changed there would also need to be changes made to ARSD 41:01:22:02.

SDBI supports the earlier start date as it would allow extra time for those that hunt public land to do so before the various waterfowl and pheasant seasons begin. It would also allow for at least a short combination hunt for antelope and deer. It has been said that moving the season up would also allow a bowhunter an opportunity to shoot a buck in velvet (which is a separate category in the Pope & Young record book) and while that is certainly more of a possibility with an earlier start in my experience most bucks are hard horned by early September.

Thank you for your consideration of this request.

Mike McKnight  
President SDBI  
2912 S. Duchess Ave.  
Sioux Falls, SD 57103

# Proposals

2014-2015 Season Table

Hunting Season		September	October	November	December	January	February	Notes								
Grouse			September 20 - January 4					<sup>1</sup> Special permit required.								
Sage Grouse			← September 24 - 25 (TO BE DETERMINED)													
Partridge			September 20 - January 4					<sup>2</sup> Only antlerless deer tags are valid January 1-15.								
Pheasant			October 18 - January 4													
Youth only			← October 4 - 8													
Residents only			← October 11 - 13													
Quail			October 18 - January 4					<sup>3</sup> Units in Gregory, Mellette, Ziebach, Dewey, and Corson counties have special season dates.								
Cottontail Rabbit		September 1 - February 28														
Tree Squirrel		September 1 - February 28														
Crow		September 1 - October 31		The crow hunting season is also open March 1 - April 30												
Common Snipe		September 1 - October 31														
Mourning Dove		September 1 - November 9														
Ducks	Youth only	Federal framework needed to establish season dates.							<sup>4</sup> Only antlerless deer tags are valid Dec. 27 - Jan. 4.							
	Low Plains North															
	Low Plains Middle															
	Low Plains South															
	High Plains															
Canada Geese	Unit 1															
	Unit 2															
	Bennett Co. <sup>1</sup>															
Light Geese																<sup>5</sup> Antlerless elk season is Oct. 16-31 and Dec. 1-15.
White-fronted Geese																
Sandhill Crane			September 27 - November 23													
Tundra Swan		Federal framework needed to establish season dates.														
Fall Turkey			October 1 - January 31													
Mountain Lion						Dec 26 - March 31										
Antelope - Archery		Aug 16 - Oct 3		← Oct 20-31												
Antelope - Rifle			← October 4-19													
Deer	Archery	September 27 - December 31				← Jan 1-15 <sup>2</sup>										
	Muzzleloader				December 1-31		← Jan 1-15 <sup>2</sup>									
	Youth	September 13 - January 15														
	Black Hills		Nov 1-30													
	West River <sup>3</sup>			← Nov 15-30		← Dec 27 - Jan 4 <sup>4</sup>										
East River		Nov 22 - Dec 7 →			← Dec 27 - Jan 4 <sup>4</sup>											
Elk - Black Hills		Archery: Sept 1-30		Rifle: Oct 1-31 <sup>5</sup>		Dec 1-15 <sup>5</sup>										

**\* TENTATIVE DATES:** These future start dates are presented as established in current rule by the GFP Commission. These dates are reviewed annually by the Commission and are subject to change by formal action of the Commission.

**TENTATIVE Start Dates**

Season	* Opening Day as Described in Rule	2014	2015	2016	2017	2018	2019	
<b>Antelope</b>	<b>Archery Antelope</b>	Third Saturday of August	Aug. 16	Aug. 15	Aug. 20	Aug. 19	Aug. 18	Aug. 17
	<b>Antelope</b>	Saturday closest to October 1	Oct. 4	Oct. 3	Oct. 1	Sept. 30	Sept. 29	Sept. 28
<b>Deer</b>	<b>Archery Deer</b>	Fourth Saturday of September	Sept. 27	Sept. 26	Sept. 24	Sept. 23	Sept. 22	Sept. 28
	<b>Muzzleloader Deer</b>	December 1	Dec. 1	Dec. 1	Dec. 1	Dec. 1	Dec. 1	Dec. 1
	<b>Youth Deer</b>	Second Saturday of September	Sept. 13	Sept. 12	Sept. 10	Sept. 9	Sept. 8	Sept. 14
	<b>Black Hills Deer</b>	November 1	Nov. 1	Nov. 1	Nov. 1	Nov. 1	Nov. 1	Nov. 1
	<b>West River Deer</b>	Saturday 12 days prior Thanksgiving	Nov. 15	Nov. 14	Nov. 12	Nov. 11	Nov. 10	Nov. 16
	<b>East River Deer</b>	Saturday prior Thanksgiving	Nov. 22	Nov. 21	Nov. 19	Nov. 18	Nov. 17	Nov. 23
<b>Turkey</b>	<b>Fall Turkey</b>	October 1	Oct. 1	Oct. 1	Oct. 1	Oct. 1	Oct. 1	Oct. 1
	<b>Spring Archery Turkey</b>	First Saturday of April	Apr. 5	Apr. 4	Apr. 2	Apr. 1	Apr. 7	Apr. 6
	<b>Spring Turkey</b>	Second Saturday of April	Apr. 12	Apr. 11	Apr. 9	Apr. 8	Apr. 14	Apr. 13
<b>Small Game</b>	<b>Mourning Dove</b>	September 1	Sept. 1	Sept. 1	Sept. 1	Sept. 1	Sept. 1	Sept. 1
	<b>Grouse</b>	Third Saturday of September	Sept. 20	Sept. 19	Sept. 17	Sept. 16	Sept. 15	Sept. 21
	<b>Pheasant</b>	Third Saturday of October	Oct. 18	Oct. 17	Oct. 15	Oct. 21	Oct. 20	Oct. 19

13a

2014-2015 SEASON DATES

13b

OTHER SEASONS

Species	Dates
Dove	Sept. 1 – Nov. 9
Common Snipe	Sept. 1 - Oct. 31
Sandhill Crane	Sept. 27 - Nov. 23
American Crow	Sept. 1 - Oct. 31 March 1 - April 30
Tundra Swan	Federal Framework
Cottontail Rabbit	Sept. 1 - Feb. 28
Tree Squirrel	Sept. 1 - Feb. 28
Ground Squirrel, Gopher, Porcupine, Marmot	Year-round

FURBEARERS

Species	Dates	
Mink, Weasel	Nov. 1 - Jan. 31	
Muskrat	West River	Year-round
	Black Hills	Nov. 1 - April 30
	East River	Nov. 1 - April 30
Beaver	West River	Year-round
	Black Hills	Jan. 1 - March 31
	East River	Nov. 1 - April 30
Bobcat	West River	Dec. 26 - Feb. 15
	East River	Dec. 26 – Jan. 19
Fox, Badger, Raccoon, Skunk, Opossum, Jackrabbit, Coyote	Year-round	

**GAME, FISH, AND PARKS COMMISSION ACTION  
PROPOSAL**

14

**Custer State Park Trophy Bison Bull Harvest  
Chapter 41:06:42**

<b>Commission Meeting Dates:</b>	<b>Proposal</b>	<b>March 6-7, 2014</b>	<b>Ft. Pierre</b>
	<b>Public Hearing</b>	<b>April 3, 2014</b>	<b>Oacoma</b>
	<b>Finalization</b>	<b>April 3-4, 2014</b>	<b>Oacoma</b>

**DEPARTMENT RECOMMENDATION**

**Season Dates:** November 24, 2014 – January 9, 2015

**Licenses:** 8 trophy bull bison licenses.

**Requirements and Restrictions:**

- 1) The unit is open within the boundaries of Custer State Park for the 47-day period beginning the last Monday in November.
- 2) Licensees must be accompanied by an authorized CSP official.
- 3) Allocate two trophy bison licenses to residents in a first draw.

**Recommended changes from last year:**

None

**SUPPORTIVE INFORMATION**

Interest in trophy bison hunts continues to grow. This is a premier trophy bison hunt and draws applicants from across North America. Rule was modified in 2013 to provide 2 tags to residents in the first draw and to modified the draw to a lottery (accumulated points) system. Allocating two permits to South Dakota residents will gave residents a better chance of being drawn for this trophy hunt while still recognizing the high demand from non-resident hunters.

Year	Total App's	Applications				Licenses Issued	
		Non-resident		Resident		Non-resident	Resident
		w/1+ pref	w/0 pref	w/1+ pref	w/0 pref		
2013	154	16	109	1	28	8	2
2012	118	113		5		7	1
2011	112	106		6		10	0
2010	90	83		7		9	1

**APPROVE      MODIFY      REJECT      NO ACTION**

14a

**GAME, FISH, AND PARKS COMMISSION ACTION  
PROPOSAL**

**Custer State Park Non-Trophy Bison Harvest  
Chapter 41:06:60**

Commission Meeting Dates:	Proposal	March 6-7, 2014	Ft. Pierre
	Public Hearing	April 3, 2014	Oacoma
	Finalization	April 3-4, 2014	Oacoma

**DEPARTMENT RECOMMENDATION**

**Season Dates:** October 4 – November 21, 2014

**Licenses:** 15 non-trophy bull bison and 10 cow bison licenses.

**Requirements and Restrictions:**

- 1) The unit is open within the boundaries of Custer State Park for the 49-day period beginning the first Saturday in October.
- 2) Permit holder must be accompanied by an authorized CSP official.
- 3) Allocate 7 non-trophy bull bison licenses and 5 cow bison licenses to residents in a first draw.

**Recommended changes from last year:**

None

**SUPPORTIVE INFORMATION**

Non-trophy bison hunts fees were adjusted in 2013 to reflect changes in the live sale average for those class animals. Additional changes were to put the draw on the state system and modified to a lottery (accumulated points) system. The first draw goes to applicants with at least one preference, and half the tags were allocated to SD residents.

Year	CSP Auction Average Price		Applications			Licenses Issued	
	Open cows	Grade Bull	Total apps	Non-resident	Resident	Non-resident	Resident
2013	\$1,130	\$1,850	315	185	130	13	12
2012	\$1,725	\$2,020	318	271	47	15	10
2011	\$1,488	\$2,073	205	170	35	20	5
2010	\$1,800	\$1,825	96	85	11	21	4

**APPROVE** \_\_\_\_\_ **MODIFY** \_\_\_\_\_ **REJECT** \_\_\_\_\_ **NO ACTION** \_\_\_\_\_



# GAME, FISH, AND PARKS COMMISSION ACTION PROPOSAL

## Special Custer State Park Antlerless Elk Hunting Season Chapter 41:06:47

Commission Meeting Dates:	Proposal	March 6-7, 2014	Ft. Pierre
	Public Hearing	April 3, 2014	Winner
	Finalization	April 3-4, 2014	Winner

### DEPARTMENT RECOMMENDATION

**Season Dates:** Closed

**Licenses:** 0 licenses

**Recommended changes from last year:** None.

### SUPPORTIVE INFORMATION

Year	Licenses	Applicants	Success Rate	HRD
2006	100	4,105	73%	291
2007	60	4,339	57%	185
2008	40	4,383	59%	108
2009	20	4,546	95%	50
2010	5	4,420	80%	13
2011	Closed			
2012	Closed			
2013	Closed			

APPROVE \_\_\_\_\_ MODIFY \_\_\_\_\_ REJECT \_\_\_\_\_ NO ACTION \_\_\_\_\_



GAME, FISH AND PARKS COMMISSION ACTION  
PROPOSAL

15d

**Custer State Park Late Archery Elk Hunting Season**  
Chapter 41:06:48

Commission Meeting Dates:	Proposal	March 6-7, 2014	Ft. Pierre
	Public Hearing	April 3, 2014	Oacoma
	Finalization	April 3-4, 2014	Oacoma

**DEPARTMENT RECOMMENDATION**

**Season Dates:** Closed

**Licenses:** 0 licenses

**Recommended changes from last year:** None.

**SUPPORTIVE INFORMATION**

Year	Licenses	Applicants	Success Rate	HRD
2007	50	2,333	5%	370
2008	50	2,532	14%	338
2009	50	2,791	13%	312
2010	30	2,852	0%	200
2011	15	2,842	0%	84
2012	CLOSED			
2013	CLOSED			

APPROVE \_\_\_\_\_ MODIFY \_\_\_\_\_ REJECT \_\_\_\_\_ NO ACTION \_\_\_\_\_

# GAME, FISH AND PARKS COMMISSION ACTION PROPOSAL

## Archery Elk Hunting Season

Chapter 41:06:43

<b>Commission Meeting Dates:</b>	<b>Proposal</b>	<b>March 6-7, 2014</b>	<b>Ft. Pierre</b>
	<b>Public Hearing</b>	<b>April 3, 2014</b>	<b>Oacoma</b>
	<b>Finalization</b>	<b>April 3-4, 2014</b>	<b>Oacoma</b>

### DEPARTMENT RECOMMENDATION

**Season Dates:** Black Hills Units: September 1-30, 2014

**Open Area:** See attached map

**Licenses:** 92 "any elk" and 40 "antlerless elk" licenses (total of 132 licenses)

#### Requirements and Restrictions:

1. No person may possess more than one (1) elk license of any type in a year.
2. No more than two persons may submit applications together.
3. Except for landowner/operator preference applicants, no person who receives a license in the first drawing for this season shall be eligible to apply for an archery elk license in first drawings for the next 9 years.
4. One-half of the licenses allocated in each unit are available for landowner/operator preference application. One member of each qualifying landowner/operator household may apply every year.
5. Each elk harvested must be inspected by a Conservation Officer or designee within 24 hours after kill.
6. Each unsuccessful hunter must mail the report card to the Department of Game, Fish and Parks within 10 days after the close of the season.

#### Recommended changes from last year:

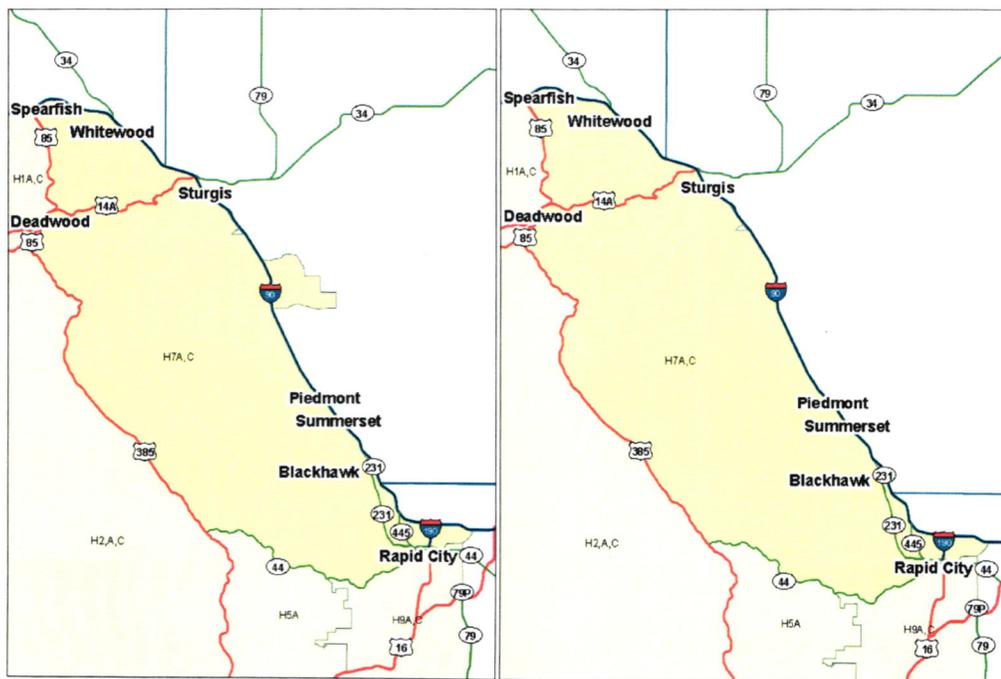
1. Adjust the number of licenses available from 92 "any elk" and 15 "antlerless elk" licenses (total of 107 licenses) to 92 "any elk" and 40 "antlerless elk" licenses (total of 132 licenses).
2. Modify Unit 7 boundary as indicated on map.



### Black Hills Elk - Unit 7

Current Unit

Proposed Unit Change



APPROVE \_\_\_\_\_

MODIFY \_\_\_\_\_

REJECT \_\_\_\_\_

NO ACTION \_\_\_\_\_

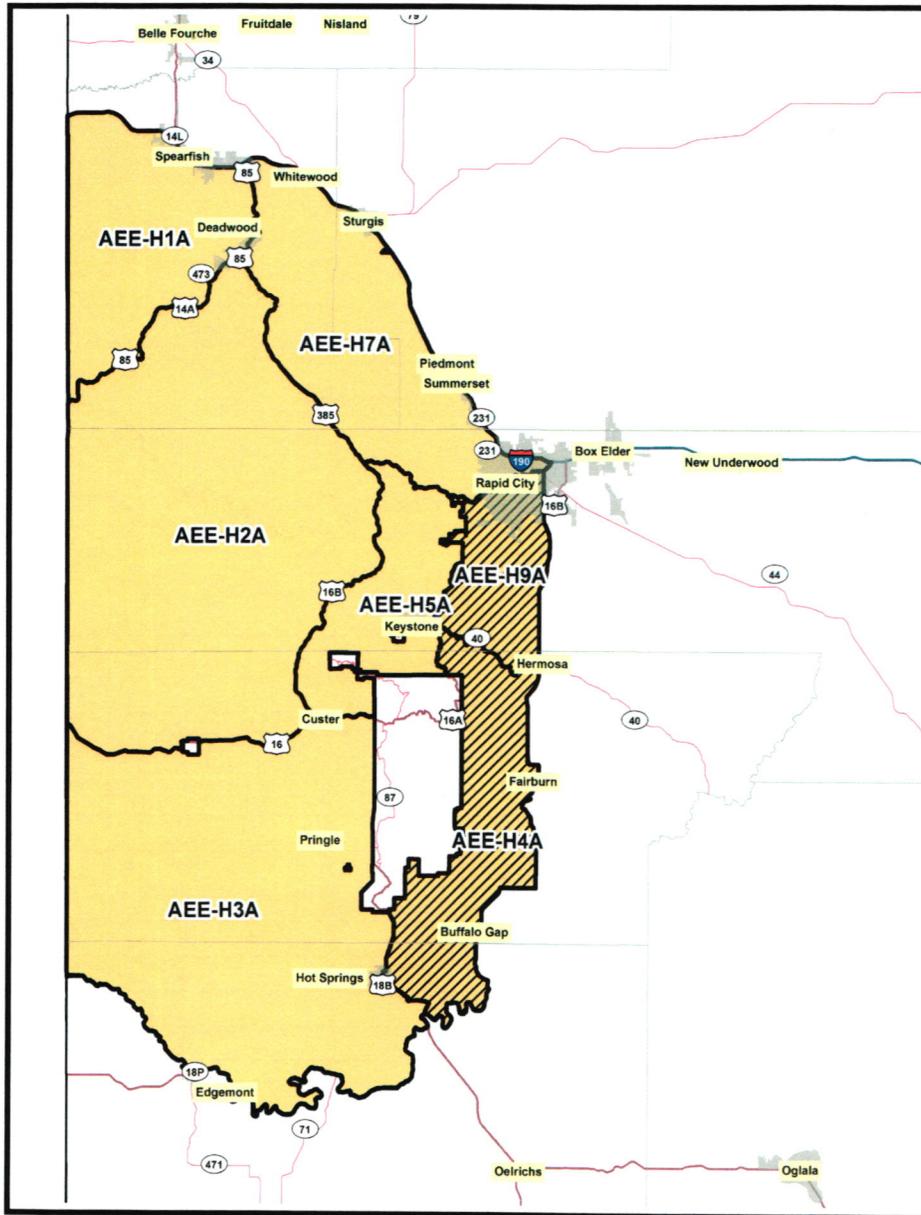
**SUPPORTIVE INFORMATION**

Year	Licensed Hunters	Hunter Success	Bulls Harvested	Cows Harvested
2009	185	33%	47	7
2010	144	27%	33	5
2011	126	26%	25	8
2012	97	40%	34	4
2013	107	35%	34	3

2013	"Any Elk"					"Antlerless Elk"					
	Unit	Appl.1st Choice	Licensed Hunters	Harvest Success	Bulls Harvested	Cows Harvested	Appl.1st Choice	Licensed Hunters	Harvest Success	Bulls Harvested	Cows Harvested
	H1	555	20	35%	7	0	3	5	33%	0	2
	H2	2,854	50	46%	23	0	17	5	33%	0	2
	H3	401	15	15%	2	0	7	5	0%	0	0
	H4	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
	H5	37	2	0%	0	0	NA	NA	NA	NA	NA
	H7	78	5	25%	1	0	NA	NA	NA	NA	NA
	H9	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA

APPROVE \_\_\_\_\_ MODIFY \_\_\_\_\_ REJECT \_\_\_\_\_ NO ACTION \_\_\_\_\_

# BLACK HILLS ARCHERY ELK UNITS



Unit	2013			2014		
	"Any" Elk Tags	"Antlerless" Elk Tags	Total Tags	"Any" Elk Tags	"Antlerless" Elk Tags	Total Tags
H1	20	5	25	20	5	25
H2	50	5	55	50	30	80
H3	15	5	20	15	5	20
H4	0	0	0	0	0	0
H5	2	0	2	2	0	2
H7	5	0	5	5	0	5
H9	0	0	0	0	0	0
ALL	92	15	107	92	40	132

# GAME, FISH AND PARKS COMMISSION ACTION PROPOSAL

## Black Hills Elk Hunting Season Chapter 41:06:26

<b>Commission Meeting Dates:</b>	<b>Proposal</b>	<b>March 6-7, 2014</b>	<b>Ft. Pierre</b>
	<b>Public Hearing</b>	<b>April 3, 2014</b>	<b>Oacoma</b>
	<b>Finalization</b>	<b>April 3-4, 2014</b>	<b>Oacoma</b>

### DEPARTMENT RECOMMENDATION

**Season Dates:** "Any elk" licenses October 1-31, 2014  
 "Antlerless elk" licenses October 16-31 and December 1-15, 2014

**Open Area:** See attached map

**Licenses:** 420 "any elk" and 350 "antlerless elk" licenses (total of 770 licenses)

### Requirements and Restrictions:

1. No person may possess more than one (1) elk license of any type in a year.
2. No more than two persons may submit applications together.
3. Except for landowner/operator preference applicants, no person who receives a license in the first drawing for this season shall be eligible to apply for a Black Hills elk license in first drawings for the next 9 years.
4. One-half of the licenses allocated in each unit are available for landowner/operator preference. One member of each qualifying landowner/operator household may apply every year.
5. Each elk harvested must be inspected by a Conservation Officer or designee within 24 hours after kill.

### Recommended changes from last year:

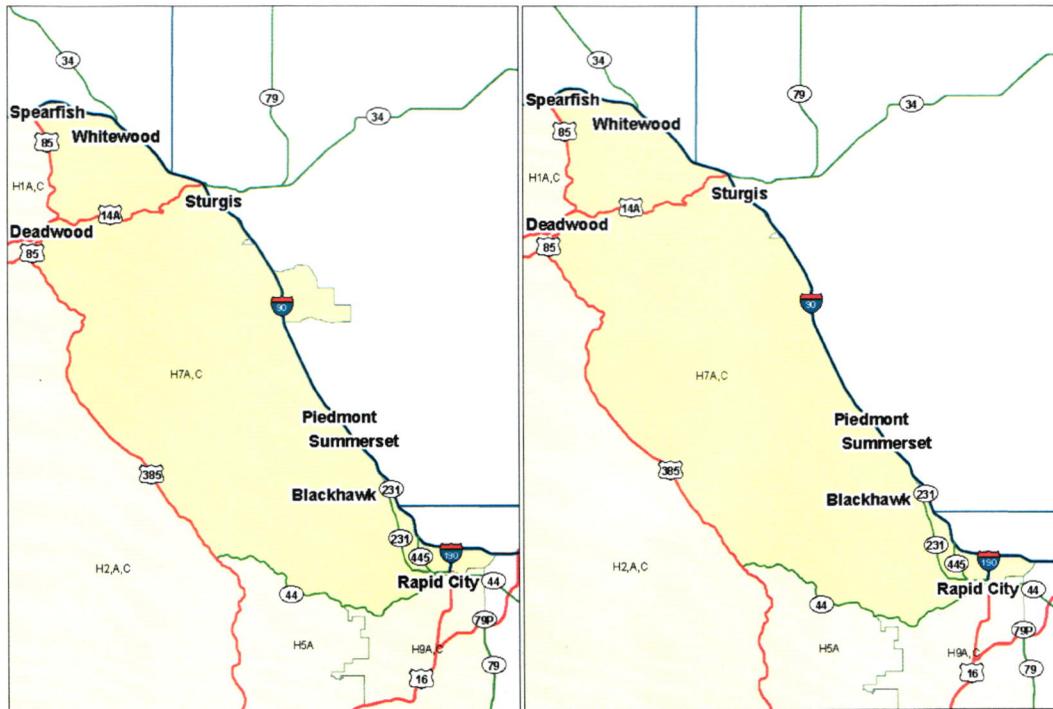
1. Adjust the number of licenses available from 445 "any elk" and 175 "antlerless elk" licenses (total of 620 licenses) to 420 "any elk" and 350 "antlerless elk" licenses (total of 770 licenses).
2. Modify Unit 7 boundary as indicated on map.



## Black Hills Elk - Unit 7

Current Unit

Proposed Unit Change



**APPROVE** \_\_\_\_\_ **MODIFY** \_\_\_\_\_ **REJECT** \_\_\_\_\_ **NO ACTION** \_\_\_\_\_

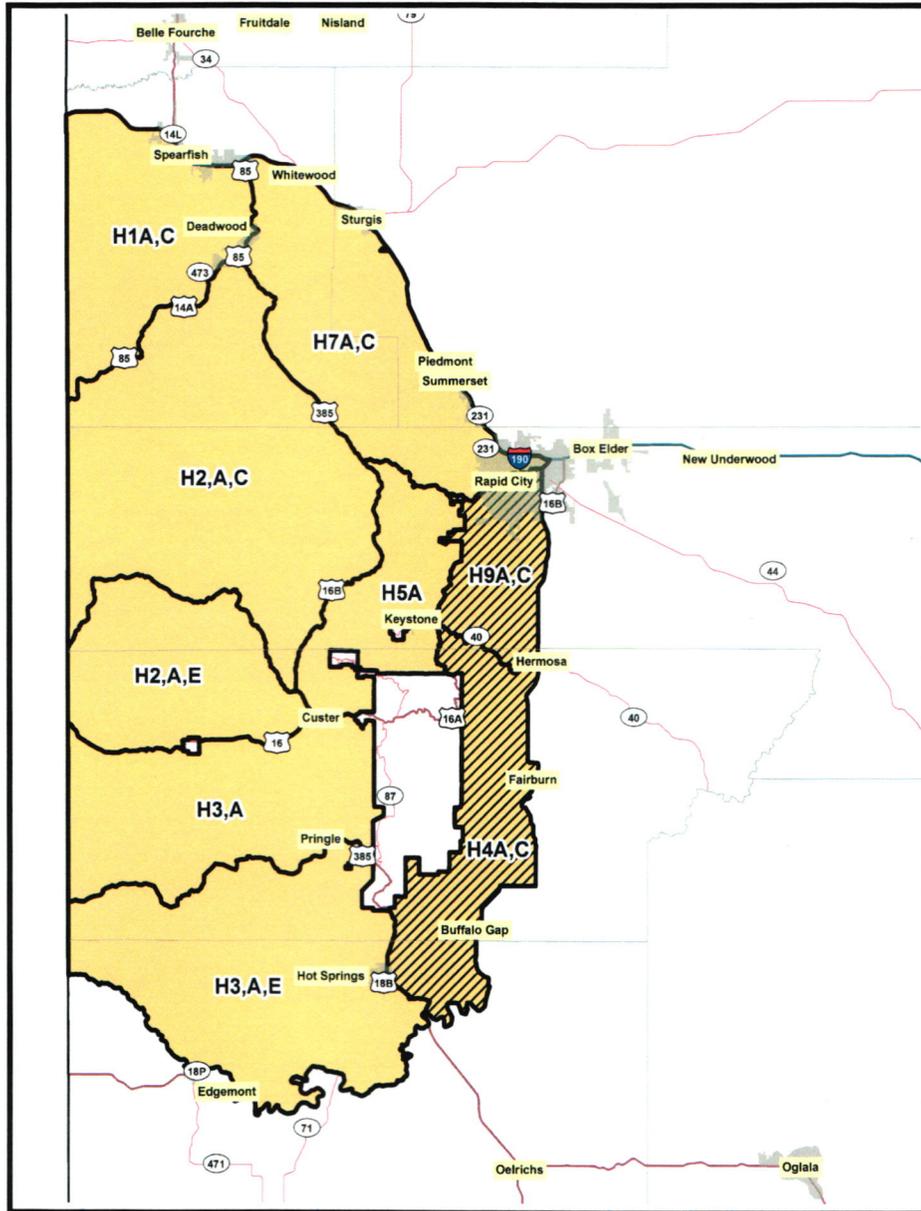
**SUPPORTIVE INFORMATION**

Year	Licensed Hunters	Hunter Success	Bulls Harvested	Cows Harvested
2009	1,366	58%	404	388
2010	1,059	53%	303	257
2011	866	55%	298	179
2012	570	73%	295	121
2013	620	60%	273	99

2013	"Any Elk"					"Antlerless Elk"				
	Appl. 1st Choice	Licensed Hunters	Harvest Success	Bulls Harvested	Cows Harvested	Appl. 1st Choice	Licensed Hunters	Harvest Success	Bulls Harvested	Cows Harvested
Unit										
H1	1,102	74	36%	27	0	34	40	13%	0	5
H2	8,045	249	83%	191	15	134	25	82%	0	20
H3	1,497	101	55%	47	9	77	81	40%	1	31
H4	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
H5	84	10	20%	2	0	NA	NA	NA	NA	NA
H7	199	10	43%	4	0	5	5	0%	0	0
H9	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA

APPROVE \_\_\_\_\_ MODIFY \_\_\_\_\_ REJECT \_\_\_\_\_ NO ACTION \_\_\_\_\_

# BLACK HILLS ELK UNITS



Unit	2013			2014		
	"Any" Elk Tags	"Antlerless" Elk Tags	Total Tags	"Any" Elk Tags	"Antlerless" Elk Tags	Total Tags
H1	75	40	115	75	40	115
H2	250	50	300	250	250	500
H3	100	80	180	80	60	140
H4	0	0	0	0	0	0
H5	10	0	10	5	0	5
H7	10	5	15	10	0	10
H9	0	0	0	0	0	0
ALL	445	175	620	420	350	770

# GAME, FISH AND PARKS COMMISSION ACTION PROPOSAL

## Prairie Elk Hunting Season Chapter 41:06:59

<b>Commission Meeting Dates:</b>	<b>Proposal</b>	<b>March 6-7, 2014</b>	<b>Ft. Pierre</b>
	<b>Public Hearing</b>	<b>April 3, 2014</b>	<b>Oacoma</b>
	<b>Finalization</b>	<b>April 3-4, 2014</b>	<b>Oacoma</b>

### DEPARTMENT RECOMMENDATION

<b><u>Season Dates:</u></b>	Unit 09A	September 15 – October 31 and December 1-31, 2014
	Unit 11A	July 15 – August 31, 2014
	Unit 11B	September 1 – October 17, 2014
	Unit 11C	October 18 – December 31, 2014
	Unit 11D	September 1 – December 31, 2014
	Unit 15A	September 13 – October 31 and December 1-31, 2014
	Unit 27A	September 1 – October 31, 2014
	Unit 30A	September 1 – December 31, 2014

<b><u>Open Area:</u></b>	Unit 09A	Portions of Butte, Lawrence and Meade Counties
	Unit 11A, B, C, D	Bennett County and portions of Mellette County
	Unit 15A	Portions of Butte County
	Unit 27A	Portions of Fall River County
	Unit 30A	Portions of Gregory County

<b><u>Licenses:</u></b>	Unit 09A	20 "any elk" and 10 "antlerless elk" licenses
	Unit 11A, B, C, D	15 "any elk" and 16 "antlerless elk" licenses
	Unit 15A	10 "any elk" and 10 "antlerless elk" licenses
	Unit 27A	10 "any elk" and 0 "antlerless elk" licenses
	Unit 30A	2 "any elk" and 0 "antlerless elk" licenses

#### **Requirements and Restrictions:**

1. No person may possess more than one (1) elk license of any type in a year.
2. No more than two persons may submit applications together.
3. Except for landowner/operator preference applicants, no person who receives a license in the first drawing for this season shall be eligible to apply for a prairie elk license in first drawings for the next 9 years.
4. One-half of the licenses allocated in each unit are available for landowner/operator preference. One member of each qualifying landowner/operator household may apply every year.
5. Each elk harvested must be inspected by a Conservation Officer or designee within 24 hours after kill.

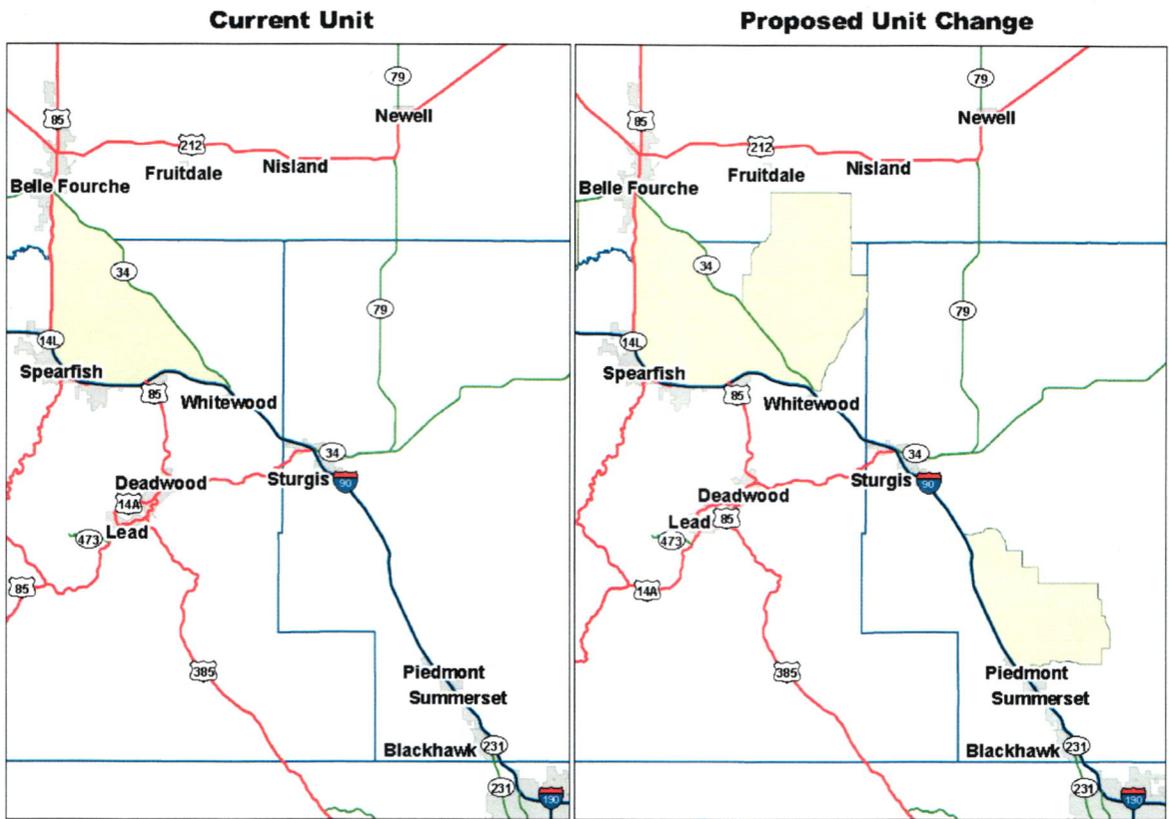
#### **Recommended changes from last year:**

1. Adjust the number of licenses available from 45 "any elk" and 51 "antlerless elk" licenses (total of 96 licenses) to 57 "any elk" and 36 "antlerless elk" licenses (total of 93 licenses).
2. Modify Unit 9 boundary as indicated on map.
3. Adjust the season dates for Unit 9 from September 15 – October 31 and December 1-15 to September 15 – October 31 and December 1-31.

APPROVE _____	MODIFY _____	REJECT _____	NO ACTION _____
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# Prairie Elk - Unit 9A



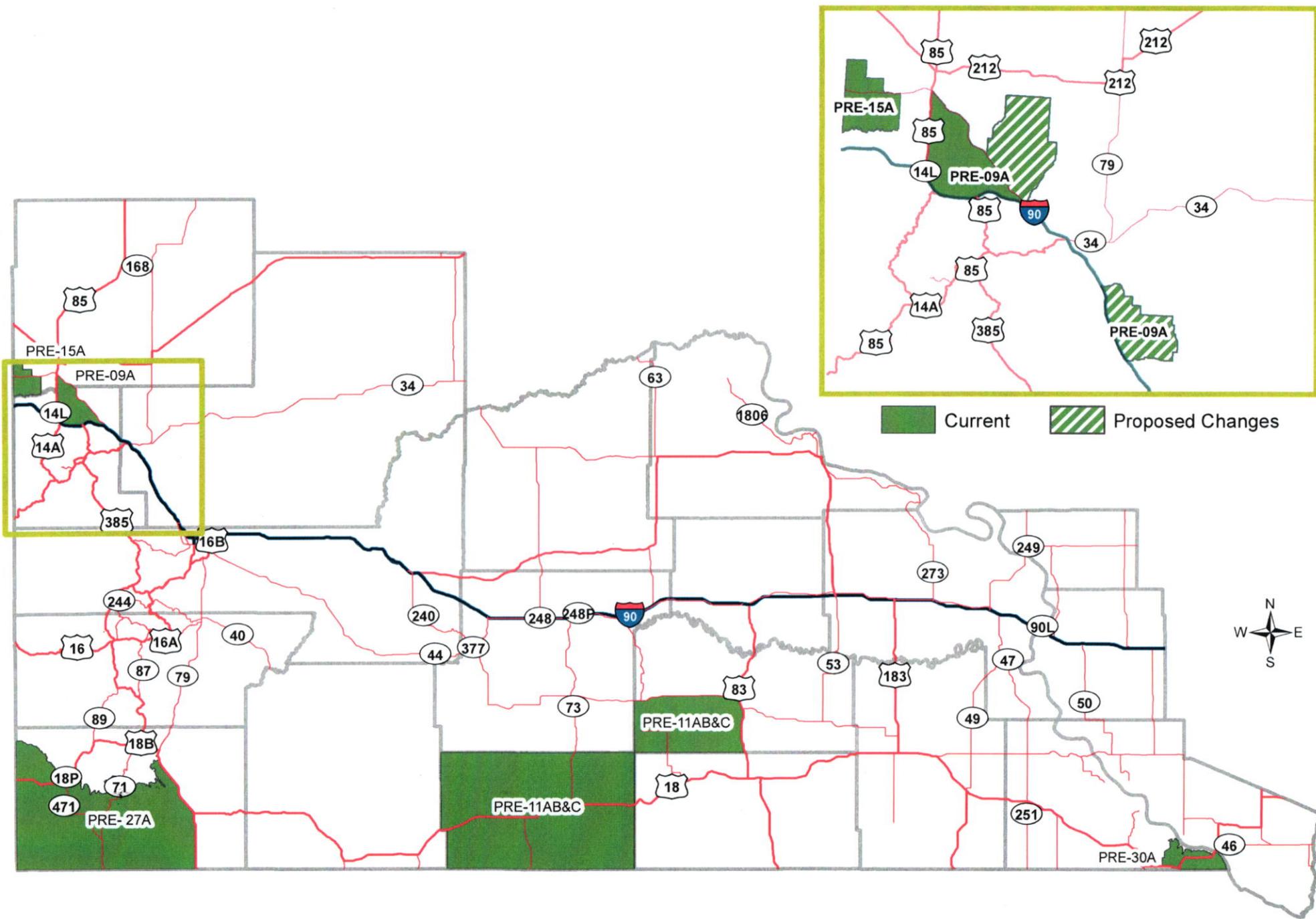
## SUPPORTIVE INFORMATION

Year	Licensed Hunters	Hunter Success	Bulls Harvested	Cows Harvested
2009	133	39%	26	22
2010	134	41%	24	31
2011	128	28%	19	17
2012	97	46%	24	20
2013	96	34%	18	14

2013	"Any Elk"				"Antlerless Elk"			
	Licensed Hunters	Harvest Success	Bulls Harvested	Cows Harvested	Licensed Hunters	Harvest Success	Bulls Harvested	Cows Harvested
09A	8	25%	2	0	8	25%	1	1
11A	NA	NA	NA	NA	10	40%	0	4
11B	10	70%	7	0	NA	NA	NA	NA
11C	5	0%	0	0	NA	NA	NA	NA
11D	NA	NA	NA	NA	10	33%	0	3
15A	10	50%	5	0	16	38%	0	6
27A	10	33%	3	0	5	0%	0	0
30A	2	0%	0	0	2	0%	0	0

APPROVE           MODIFY           REJECT           NO ACTION

# Proposed Prairie Elk Hunting Units



2014 Elk Hunting Seasons

**2013**

**Black Hills Elk**

Unit	Resident Licenses		
	Any Elk 21	Atl Elk 23	
H1A	75		
H1C		40	
H2A	250		
H2C		25	
H2E		25	
H3A	100		
H3C			
H3E		80	
H4A			
H4C			
H5A	10		
H7A	10		
H7C		5	
H9A			
H9C			
<b>TOTAL</b>	<b>445</b>	<b>175</b>	<b>620</b>
Unit	Any Elk 21	Atl Elk 23	

**2014**

**Black Hills Elk**

Unit	Resident Licenses		
	Any Elk 21	Atl Elk 23	
H1A	75		
H1C		40	
H2A	250		
H2C		100	
H2E		150	
H3A	80		
H3C			
H3E		60	
H4A			
H4C			
H5A	5		
H7A	10		
H7C			
H9A			
H9C			
<b>TOTAL</b>	<b>420</b>	<b>350</b>	<b>770</b>
Unit	Any Elk 21	Atl Elk 23	

**2013**

**Archery Elk**

Unit	Resident Licenses		
	Any Elk 21	Atl Elk 23	
H1A	20	5	
H2A	50	5	
H3A	15	5	
H4A			
H5A	2		
H7A	5		
H9A			
30A			
<b>TOTAL</b>	<b>92</b>	<b>15</b>	<b>107</b>
Unit	Any Elk 21	Atl Elk 23	

**2014**

**Archery Elk**

Unit	Resident Licenses		
	Any Elk 21	Atl Elk 23	
H1A	20	5	
H2A	50	30	
H3A	15	5	
H4A			
H5A	2		
H7A	5		
H9A			
30A			
<b>TOTAL</b>	<b>92</b>	<b>40</b>	<b>132</b>
Unit	Any Elk 21	Atl Elk 23	

**2013**

**Prairie Elk**

Unit	Resident Licenses		
	Any Elk 21	Atl Elk 23	
9A	8	8	
11A		10	
11B	10		
11C	5		
11D		10	
15A	10	16	
27A	10	5	
30A	2	2	
<b>TOTAL</b>	<b>45</b>	<b>51</b>	<b>96</b>
Unit	Any Elk 21	Atl Elk 23	

**2014**

**Prairie Elk**

Unit	Resident Licenses		
	Any Elk 21	Atl Elk 23	
9A	20	10	
11A		8	
11B	10		
11C	5		
11D		8	
15A	10	10	
27A	10		
30A	2		
<b>TOTAL</b>	<b>57</b>	<b>36</b>	<b>93</b>
Unit	Any Elk 21	Atl Elk 23	

**2013**

**Custer State Park**

Season	Resident Licenses		
	Any Elk 21	Atl Elk 23	
Archery	3		
Late Archery			
Rifle	4		
<b>TOTAL</b>	<b>7</b>		<b>7</b>
Season	Any Elk 21	Atl Elk 23	

**2014**

**Custer State Park**

Season	Resident Licenses		
	Any Elk 21	Atl Elk 23	
Archery	2		
Late Archery			
Rifle	3		
<b>TOTAL</b>	<b>5</b>		<b>5</b>
Season	Any Elk 21	Atl Elk 23	



20

**GAME, FISH AND PARKS COMMISSION ACTION  
PROPOSAL**

**Grouse Hunting Season  
Chapter 41:06:09**

Commission Meeting Dates:	Proposal	March 6-7, 2014	Ft. Pierre
	Public Hearing	April 3, 2014	Oacoma
	Finalization	April 3-4, 2014	Oacoma

**DEPARTMENT RECOMMENDATION**

**Season Dates:** September 20, 2014 – January 4, 2015 (107 days)

**Open Area:** Statewide

**Daily Limit:** 3 (any combination of sharp-tailed grouse, prairie chickens and ruffed grouse)

**Possession Limit:** 15 (any combination)

**Requirements and Restrictions:**

1. Shooting hours are sunrise to sunset.
2. Lacreek National Wildlife Refuge is open Oct 18 – Jan 4 and the shooting hours are the same as for pheasant.

**Recommended changes from last year:** None.

**SUPPORTIVE INFORMATION**

Year	Resident Hunters	Nonresident Hunters	Grouse Harvested
2008	7,044	5,383	47,481
2009	6,377	4,571	38,680
2010	7,879	5,386	56,888
2011	6,789	6,407	48,299
2012	7,197	7,037	50,228

**APPROVE** \_\_\_\_\_ **MODIFY** \_\_\_\_\_ **REJECT** \_\_\_\_\_ **NO ACTION** \_\_\_\_\_

GAME, FISH AND PARKS COMMISSION ACTION  
PROPOSAL

21

**Youth Pheasant Hunting Season**  
Chapter 41:06:55

Commission Meeting Dates:	Proposal	March 6-7, 2014	Ft. Pierre
	Public Hearing	April 3, 2014	Oacoma
	Finalization	April 3-4, 2014	Oacoma

**DEPARTMENT RECOMMENDATION**

- Season Dates:** October 4-8, 2014
- Open Area:** Statewide except road rights-of-way
- Daily Limit:** 3 cock pheasants
- Possession Limit:** 15 cock pheasants

**Requirements and Restrictions:**

1. Shooting hours are 10:00 am (central time) to sunset.
2. Properly licensed resident and nonresident youth are eligible.
3. To be eligible, youth must be at least 12 years of age by December 31 and no older than 17.
4. Youth hunters must be accompanied by a parent or guardian and the accompanying adult may not carry a firearm or actively participate in shooting pheasants.

**Recommended changes from last year:** None.

APPROVE \_\_\_\_\_ MODIFY \_\_\_\_\_ REJECT \_\_\_\_\_ NO ACTION \_\_\_\_\_

GAME, FISH AND PARKS COMMISSION ACTION  
PROPOSAL

21a

**Resident Pheasant Hunting Season**  
**Chapter 41:06:58**

Commission Meeting Dates:	Proposal	March 6-7, 2014	Ft. Pierre
	Public Hearing	April 3, 2014	Oacoma
	Finalization	April 3-4, 2014	Oacoma

**DEPARTMENT RECOMMENDATION**

**Season Dates:** October 11-13, 2014

**Open area:** Lands open to public hunting that include U.S. Fish and Wildlife Service Waterfowl Production Areas, U.S. Army Corps of Engineers property adjacent to the Missouri River, U.S. Forest Service National Grasslands property, U.S. Bureau of Reclamation property, State School and Public Land, Department owned, managed or leased property otherwise open to hunting, and Department managed or leased property designated as Walk-In Area. Also includes public road rights-of-way as defined in state law which are contiguous to and a part of those public lands as identified above. U. S. Fish and Wildlife Service National Wildlife Refuges are not open.

**Daily limit:** 3 cock pheasants

**Possession limit:** 9 cock pheasants

**Requirements and Restrictions:**

1. Shooting hours are 12:00 noon (central time) to sunset.
2. Only residents of the state are eligible to hunt during this season.

**Recommended changes from last year:** None.

APPROVE \_\_\_\_\_ MODIFY \_\_\_\_\_ REJECT \_\_\_\_\_ NO ACTION \_\_\_\_\_

**GAME, FISH AND PARKS COMMISSION ACTION  
PROPOSAL**

216

**Pheasant Hunting Season  
Chapter 41:06:08**

<b>Commission Meeting Dates:</b>	<b>Proposal</b>	<b>March 6-7, 2014</b>	<b>Ft. Pierre</b>
	<b>Public Hearing</b>	<b>April 3, 2014</b>	<b>Oacoma</b>
	<b>Finalization</b>	<b>April 3-4, 2014</b>	<b>Oacoma</b>

**DEPARTMENT RECOMMENDATION**

**Season Dates:** October 18, 2014 – January 4, 2015 (79 days)

**Open Area:** Statewide

**Daily Limit:** 3 cock pheasants

**Possession Limit:** 15 cock pheasants

**Requirements and Restrictions:**

1. Shooting hours are 12:00 noon (central time) to sunset from October 18 - 24 and 10:00 a.m. (central time) to sunset after October 25 – January 4.
2. Renziehausen GPA and State Game Bird Refuge in Brown County, Gerken State Game Bird Refuge in Faulk County, and Sand Lake National Wildlife Refuge in Brown County are open December 8 - January 4.

**Recommended changes from last year:**

1. Remove the season date restriction to align with Refuge status change on White Lake Game Production Area in Marshall County.

**SUPPORTIVE INFORMATION**

Year	Resident Hunters	Nonresident Hunters	Pheasants Harvested
2008	75,978	100,254	1,936,228
2009	69,949	97,350	1,648,191
2010	72,465	100,189	1,831,576
2011	69,120	95,077	1,555,306
2012	69,240	93,801	1,428,874

**APPROVE** \_\_\_\_\_ **MODIFY** \_\_\_\_\_ **REJECT** \_\_\_\_\_ **NO ACTION** \_\_\_\_\_



GAME, FISH AND PARKS COMMISSION ACTION  
PROPOSAL

23

**Quail Hunting Season**  
Chapter 41:06:11

Commission Meeting Dates:	Proposal	March 6-7, 2014	Ft. Pierre
	Public Hearing	April 3, 2014	Oacoma
	Finalization	April 3-4, 2014	Oacoma

**DEPARTMENT RECOMMENDATION**

**Season Dates:** October 18, 2014 – January 4, 2015 (79 days)

**Open Area:** Statewide

**Daily Limit:** 5 quail

**Possession Limit:** 15 quail

**Requirements and Restrictions:**

- 1) Shooting hours are sunrise to sunset.

**Recommended change from last year:** None.

**SUPPORTIVE INFORMATION**

Year	Resident Hunters	Nonresident Hunters	Quail Harvested
2008	480	520	1,775
2009	276	555	1,160
2010	187	105	424
2011	239	383	594
2012	292	139	260

APPROVE \_\_\_\_\_ MODIFY \_\_\_\_\_ REJECT \_\_\_\_\_ NO ACTION \_\_\_\_\_

# GAME, FISH AND PARKS COMMISSION ACTION PROPOSAL

## Cottontail Rabbit Hunting Season Chapter 41:06:34

Commission Meeting Dates:	Proposal	March 6-7, 2014	Ft. Pierre
	Public Hearing	April 3, 2014	Oacoma
	Finalization	April 3-4, 2014	Oacoma

### DEPARTMENT RECOMMENDATION

**Season Dates:** September 1, 2014 – February 28, 2015

**Open Area:** Statewide

**Daily Limit:** 10 cottontail rabbits

**Possession Limit:** 30 cottontail rabbits

**Requirements and Restrictions:**

1. Shooting hours are sunrise to sunset.
2. Landowners may take cottontail rabbits on their own property year-round without restriction.

**Recommended change from last year:** None.

### SUPPORTIVE INFORMATION

Year	Resident Hunters	Nonresident Hunters	Cottontails Harvested
2008	8,714	1,955	105,118
2009	7,485	1,304	71,883
2010	6,011	885	44,481
2011	3,019	529	19,835
2012	3,133	794	20,521

APPROVE \_\_\_\_\_ MODIFY \_\_\_\_\_ REJECT \_\_\_\_\_ NO ACTION \_\_\_\_\_

**GAME, FISH AND PARKS COMMISSION ACTION  
PROPOSAL**

25

**Tree Squirrel Hunting Season  
Chapter 41:06:35**

Commission Meeting Dates:	Proposal	March 6-7, 2014	Ft. Pierre
	Public Hearing	April 3, 2014	Oacoma
	Finalization	April 3-4, 2014	Oacoma

**DEPARTMENT RECOMMENDATION**

**Season Dates:** September 1, 2014 – February 28, 2015

**Open Unit:** Statewide

**Daily Limit:** 5 tree squirrels

**Possession Limit:** 15 tree squirrels

**Requirements and Restrictions:**

Shooting hours are sunrise to sunset.

**Recommended changes from last year:** None.

**SUPPORTIVE INFORMATION**

Year	Resident Hunters	Nonresident Hunters	Squirrels Harvested
2008	2,833	230	12,227
2009	2,827	181	12,465
2010	2,901	96	12,792
2011	1,547	78	6,952
2012	1,553	166	7,738

**APPROVE** \_\_\_\_\_ **MODIFY** \_\_\_\_\_ **REJECT** \_\_\_\_\_ **NO ACTION** \_\_\_\_\_

# GAME, FISH AND PARKS COMMISSION ACTION PROPOSAL

## Crow Hunting Season Chapter 41:06:39

Commission Meeting Dates:	Proposal	March 6-7, 2014	Ft. Pierre
	Public Hearing	April 3, 2014	Oacoma
	Finalization	April 3-4, 2014	Oacoma

### DEPARTMENT RECOMMENDATION

**Season Dates:** September 1 – October 31, 2014  
March 1 – April 30, 2015

**Open Area:** Statewide

**Daily Limit:** Unlimited

**Possession Limit:** Unlimited

**Recommended changes from last year:** None.

APPROVE _____	MODIFY _____	REJECT _____	NO ACTION _____
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# GAME, FISH AND PARKS COMMISSION ACTION PROPOSAL

*26a*

## Sandhill Crane Hunting Season Chapter 41:06:18

<b>Commission Meeting Dates:</b>	<b>Proposal</b> <b>Public Hearing</b> <b>Finalization</b>	<b>March 6-7, 2014</b> <b>April 3, 2014</b> <b>April 3-4, 2014</b>	<b>Ft. Pierre</b> <b>Oacoma</b> <b>Oacoma</b>
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### DEPARTMENT RECOMMENDATION

- Season Dates:** September 27 – November 23, 2014
- Open Area:** That portion of South Dakota west of U.S. Highway 281
- Daily Limit:** 3 Sandhill cranes
- Possession Limit:** 9 Sandhill cranes

**Requirements and Restrictions:**

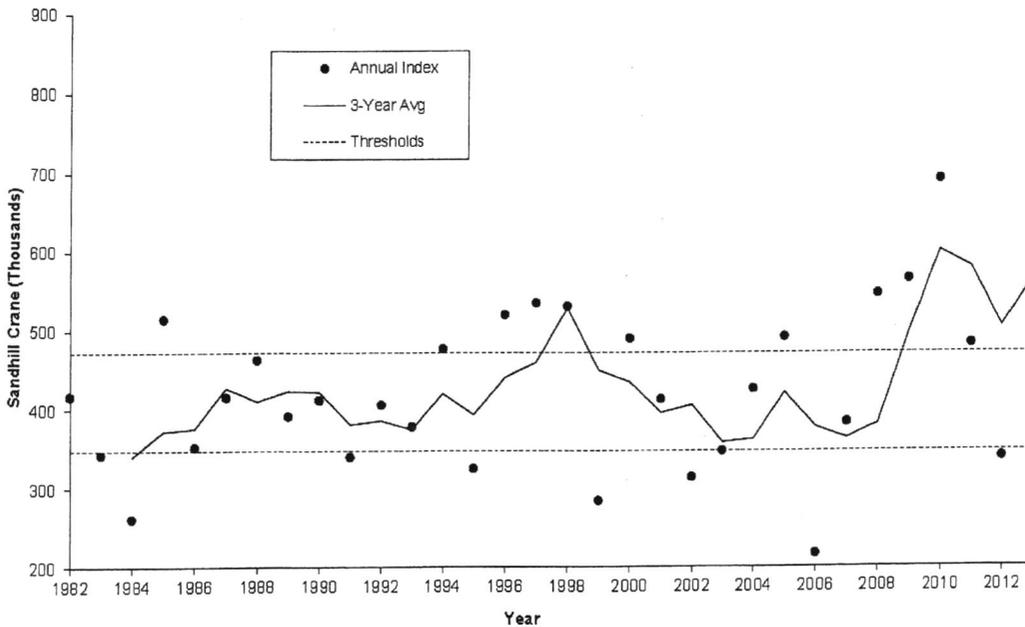
1. Shooting hours are ½ hour before sunrise to sunset.
2. Nontoxic shot rules apply to Sandhill crane hunting.

**Recommended change from last year:**

1. Increase the possession limit for sandhill cranes from two times (2x) the daily limit to three times (3x) the daily limit as approved by the U.S. Fish and Wildlife Service.

### SUPPORTIVE INFORMATION

Annual and three-year average photo-corrected ocular transect spring population indices and population objective thresholds for mid-continent sandhill cranes. South Dakota's average annual harvest for the previous 10 years is 130 sandhill cranes.



**APPROVE** \_\_\_\_\_ **MODIFY** \_\_\_\_\_ **REJECT** \_\_\_\_\_ **NO ACTION** \_\_\_\_\_

GAME, FISH AND PARKS COMMISSION ACTION  
PROPOSAL

27

**Common Snipe Hunting Season**  
Chapter 41:06:17

Commission Meeting Dates:	Proposal	March 6-7, 2014	Ft. Pierre
	Public Hearing	April 3, 2014	Oacoma
	Finalization	April 3-4, 2014	Oacoma

**DEPARTMENT RECOMMENDATION**

**Season Dates:** September 1 – October 31, 2014

**Open Area:** Statewide

**Daily Limit:** 5 snipe

**Possession Limit:** 15 snipe

**Requirements and Restrictions:**

1. Shooting hours are sunrise to sunset.
2. Nontoxic shot rules apply to snipe hunting.

**Recommended changes from last year:** None.

APPROVE \_\_\_\_\_ MODIFY \_\_\_\_\_ REJECT \_\_\_\_\_ NO ACTION \_\_\_\_\_

# GAME, FISH AND PARKS COMMISSION ACTION PROPOSAL

27a

## Mourning Dove Hunting Season Chapter 41:06:40

Commission Meeting Dates:	Proposal	March 6-7, 2014	Ft. Pierre
	Public Hearing	April 3, 2014	Oacoma
	Finalization	April 3-4, 2014	Oacoma

### DEPARTMENT RECOMMENDATION

**Season Dates:** September 1 – November 9, 2014

**Open Area:** Statewide

**Daily Limit:** 15 mourning doves

**Possession Limit:** 45 mourning doves

### Requirements and Restrictions:

1. Shooting hours are ½ hour before sunrise to sunset.
2. Doves may only be shot while in flight.
3. All areas within 50 yards of public roadways are closed to dove hunting.
4. Persons younger than 18 years of age must be accompanied by a parent, guardian or responsible adult while dove hunting.
5. That portion of Angostura State Recreation Area lying west of the dam is open to dove hunting.
6. All other state parks and state recreation areas are closed to dove hunting.

### Recommended changes from last year:

1. Increase the possession limit for mourning doves from two times (2x) the daily limit to three times (3x) the daily limit as approved by the U.S. Fish and Wildlife Service.

### SUPPORTIVE INFORMATION

Year	Resident Hunters	Nonresident Hunters	Doves Harvested
2008	7,346	373	132,152
2009	6,892	285	121,519
2010	6,035	258	97,628
2011	6,112	332	88,854
2012	5,984	366	95,107

APPROVE \_\_\_\_\_ MODIFY \_\_\_\_\_ REJECT \_\_\_\_\_ NO ACTION \_\_\_\_\_

# Division of Wildlife

**GAME, FISH AND PARKS COMMISSION  
STATE OF SOUTH DAKOTA**

<b>IN THE MATTER OF THE PRIVATE SHOOTING PRESERVE OPERATOR PERMIT FOR JIM STECKLEY d/b/a STECKLEY'S WILD DAKOTA, 35809 259<sup>th</sup> Street, Kimball, SD 57355.</b>	<b>CONSENT ORDER GFP <u>14-02</u></b>

The South Dakota Department of Game, Fish, and Parks and Jim Steckley d/b/a Steckley's Wild Dakota, ("Applicants"), by and through their authorized representatives, have executed a "Stipulation and Consent to the Issuance of a Consent Order" ("Stipulation and Consent") dated January 13, 2014. By this Stipulation and Consent, the terms of which are incorporated herein by this reference, the Applicants have agreed and consented to the issuance of this Consent Order by the Game, Fish, and Parks Commission ("Commission").

Pursuant to the authority vested in it by the laws and administrative rules of the State of South Dakota including the Private Shooting Preserve Act, SDCL Ch. 41-10, the Commission hereby orders that:

Jim Steckley d/b/a Steckley's Wild Dakota, is hereby prohibited from applying for or possessing a private shooting preserve operating permit for a period of 5 years from and after January 13, 2014, and during that period of time, he will not in any manner own, operate, or participate in a private shooting preserve and he will not permit a shooting preserve to be operated on any property owned or leased by him.

The provisions of this Order are effective upon its being signed by the Commission Chair.

IT IS SO ORDERED, this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
SD Game, Fish, and Parks Commission Chairman

29a

**GAME, FISH AND PARKS COMMISSION  
STATE OF SOUTH DAKOTA**

<b>IN THE MATTER OF THE PRIVATE SHOOTING PRESERVE OPERATOR PERMIT FOR JIM STECKLEY d/b/a STECKLEY'S WILD DAKOTA, 35809 259<sup>th</sup> Street, Kimball, SD 57355.</b>	<b>STIPULATION AND CONSENT TO THE ISSUANCE OF CONSENT DECREE</b>

**WHEREAS**, the Department of Game, Fish and Parks ("Department") is charged with conserving and protecting wildlife, regulation of the hunting of game animals, and enforcement of the laws and administrative rules governing the operation of private shooting preserves; and

**WHEREAS**, Jim Steckley d/b/a Steckley's Wild Dakota has previously applied for and received private shooting preserve operating permits; and

**WHEREAS**, Jim Steckley has entered a guilty plea in South Dakota Federal District Court to the misdemeanor offense of Conspiracy – Lacy Act Violations, all in violation of 16 U.S.C 3372(a)(2)(A), 3372(c)(1)(A), 3373(d)(2), SDCL 41-6-20 and 41-14-32; and Jim Steckley will be entering a guilty plea to a misdemeanor count of Failure to Notify of Release of Birds in violation of ARSD 41:09:01:01.01; and

**WHEREAS**, Jim Steckley d/b/a Steckley's Wild Dakota has agreed to enter into a separate written agreement with the South Dakota Department of Game, Fish and Parks, pursuant to terms and conditions established by the Department wherein he will not in any manner own, operate or participate in a private shooting preserve for five years; and that he will not permit a shooting preserve to be operated on his property.

**NOW, THEREFORE**, in consideration of the above-stated premises the Department, acting by and through its Secretary, and Jim Steckley d/b/a Steckley's Wild Dakota, hereby stipulate to the following:

1. The Commission has jurisdiction over the parties and subject matter pursuant to Title 41 of the South Dakota Codified Laws.
2. Jim Steckley d/b/a Steckley's Wild Dakota, hereby consents and agrees to the issuance of a Consent Order by the Commission which incorporates the terms and conditions of this Stipulation.

**GAME, FISH AND PARKS COMMISSION  
STATE OF SOUTH DAKOTA**

<b>IN THE MATTER OF THE PRIVATE SHOOTING PRESERVE OPERATOR PERMIT FOR JIM STECKLEY d/b/a STECKLEY'S WILD DAKOTA, 35809 259<sup>th</sup> Street, Kimball, SD 57355.</b>	<b>CONSENT ORDER GFP <u>14-02</u></b>

The South Dakota Department of Game, Fish, and Parks and Jim Steckley d/b/a Steckley's Wild Dakota, ("Applicants"), by and through their authorized representatives, have executed a "Stipulation and Consent to the Issuance of a Consent Order" ("Stipulation and Consent") dated January 13, 2014. By this Stipulation and Consent, the terms of which are incorporated herein by this reference, the Applicants have agreed and consented to the issuance of this Consent Order by the Game, Fish, and Parks Commission ("Commission").

Pursuant to the authority vested in it by the laws and administrative rules of the State of South Dakota including the Private Shooting Preserve Act, SDCL Ch. 41-10, the Commission hereby orders that:

Jim Steckley d/b/a Steckley's Wild Dakota, is hereby prohibited from applying for or possessing a private shooting preserve operating permit for a period of 5 years from and after January 13, 2014, and during that period of time, he will not in any manner own, operate, or participate in a private shooting preserve and he will not permit a shooting preserve to be operated on any property owned or leased by him.

The provisions of this Order are effective upon its being signed by the Commission Chair.

IT IS SO ORDERED, this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
SD Game, Fish, and Parks Commission Chairman

- 3. Jim Steckley d/b/a Steckley's Wild Dakota, being represented by legal counsel, has been informed of his right to a contested case hearing and a right to an appeal to the courts from any final decision of the Commission as provided by SDCL 41-10-20, and by signing this Stipulation is waiving these rights.
- 4. Jim Steckley d/b/a Steckley's Wild Dakota, agrees that he will not in any manner own, operate or participate in a private shooting preserve for a period of five years from the date the Game, Fish and Parks Commission approves this agreement and he will not permit a shooting preserve to be operated on any property owned or leased by him.
- 5. The Consent Order is intended to be, and shall be construed to be, a final order. The Consent Order and the Stipulation of Consent do not form and shall not be construed to form, a contract binding on the Commission, the Department, or the State of South Dakota. Notwithstanding the absence of mutuality of obligation, or of consideration, or of a contract, the Commission and/or the Department may enforce any of the commitments or obligations herein undertaken by Jim Steckley d/b/a Steckley's Wild Dakota under his statutory authority, and not as a matter of contract law. Jim Steckley d/b/a Steckley's Wild Dakota express and acknowledge that the Department has no intention to enter into a contract. Jim Steckley d/b/a Steckley's Wild Dakota expressly acknowledges that no Department officer or employee has statutory or other authority to bind the State of South Dakota, the Department, the Commission or any other state agency or any officer or employee of those entities to a contract affecting the Department's or the Commission's exercise of their statutory responsibilities. The terms of the Consent Order are not subject to amendment or modification by any extraneous expression, prior agreements or arrangements, or negotiations between the parties, whether oral or written.
- 10. If the Commission should choose not to accept the parties' proposed Consent Order, this Stipulation and Consent shall be null and void.

FOR THE DEPARTMENT

  
 \_\_\_\_\_  
 Jeffrey R. Vonk, Secretary  
 SD Department of Game, Fish and Parks

Dated this 27<sup>th</sup> day of January 2014.

FOR JIM STECKLEY D/B/A STECKLEY'S WILD DAKOTA

  
Jim Steckley d/b/a Steckley's Wild Dakota

Dated this 13<sup>th</sup> day of Jan, 2014.

South Dakota Department of Game, Fish & Parks - Wildlife Division  
Land Acquisition and Disposal Report  
March 2014

**Action Items**

None

**Information Items**

None

**Early Development Items**

**Van Hecke Property**

**Location:** Northwest Moody County

**Description:** 160 acre tract of restored grassland and wetland

**Management Objective:** Wildlife management and public hunting

**Cost:** \$160,000.00

**Expected Closing:** May 2014

**Railroad ROW addition to Lynbye GPA**

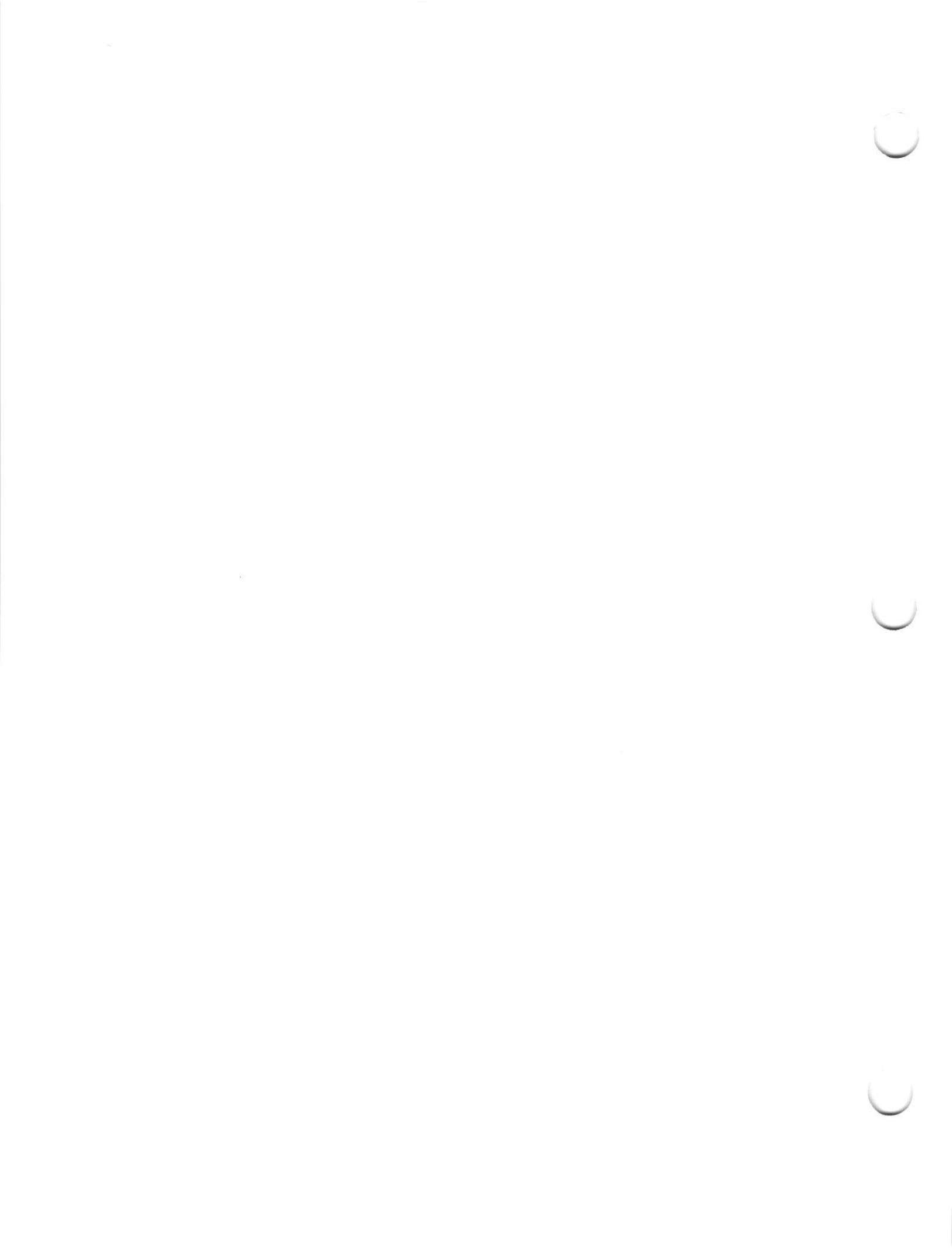
**Location:** Northeast Clark County

**Description:** 5.16 acre abandoned RR ROW bisecting the Lynbye GPA

**Objective:** Acquire an inholding

**Cost:** \$7,740.00

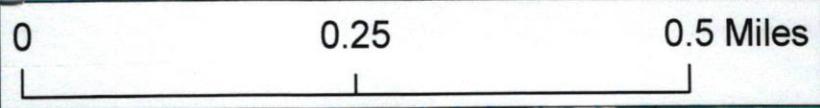
**Expected Closing:** May 2014



Van Hecke Property  
Moody County

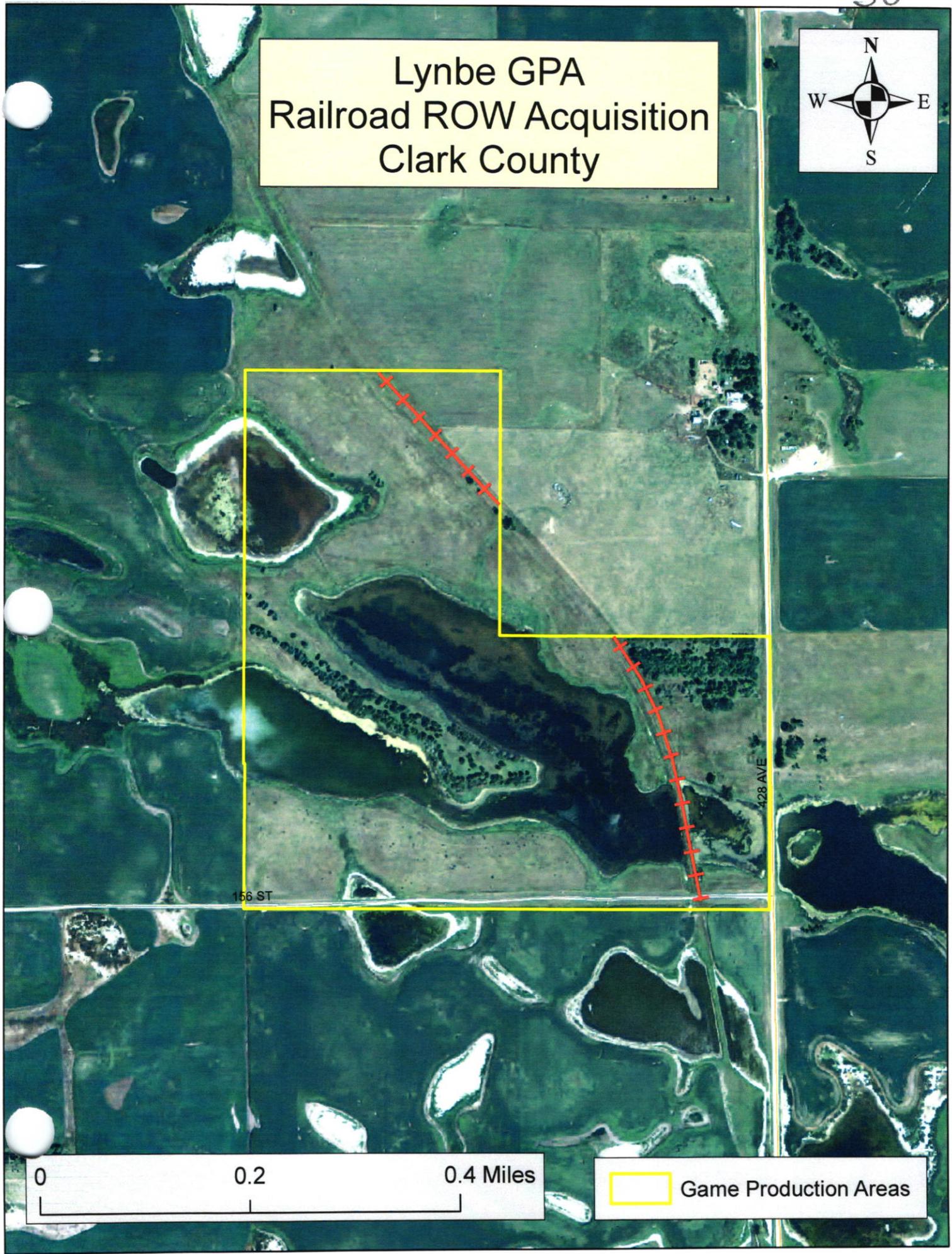


227 ST





# Lynbe GPA Railroad ROW Acquisition Clark County



0 0.2 0.4 Miles

 Game Production Areas



Ascher, Debra

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**Subject:** Spearfishing Tournament

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**From:** CALEB GILKERSON [<mailto:CALEB@STEAMBOATGF.COM>]

**Sent:** Wednesday, January 08, 2014 11:23 AM

**To:** Ascher, Debra

**Subject:** Spearfishing Tournament

To South Dakota Game Fish & Parks Commission,

My name is Caleb Gilkerson and I am writing you to request the Oahe tailwaters from the lake Oahe to the Highway 34 bridge, be opened for one week to legal methods of spearfishing starting August 11th through the 18th 2014.

Last year we were very fortunate and were able to have this area opened during the tournament. We had 64 competitors and look forward to a slight increase this year. Last year Dale Gates and Josh Carr were present during the tournament most of the time. Spearfishermen and anglers enjoyed good interactions with each other. Part of the reason we would requested the stated dates is simply because most of the anglers have moved out of this area. Our tournament is open to people spearing up above on Lake Oahe and down below on Lake Sharpe. They must pick one or the other, to avoid any confusion as it relates to limits. Thank you for your time and attention to this matter. We hope very much to harvest as many common carp from the waters as possible.

Thanks,

CALEB GILKERSON

STEAMBOAT'S INC.

511 W. DAKOTA

PIERRE SD 57501

LOCAL: 605-224-6572

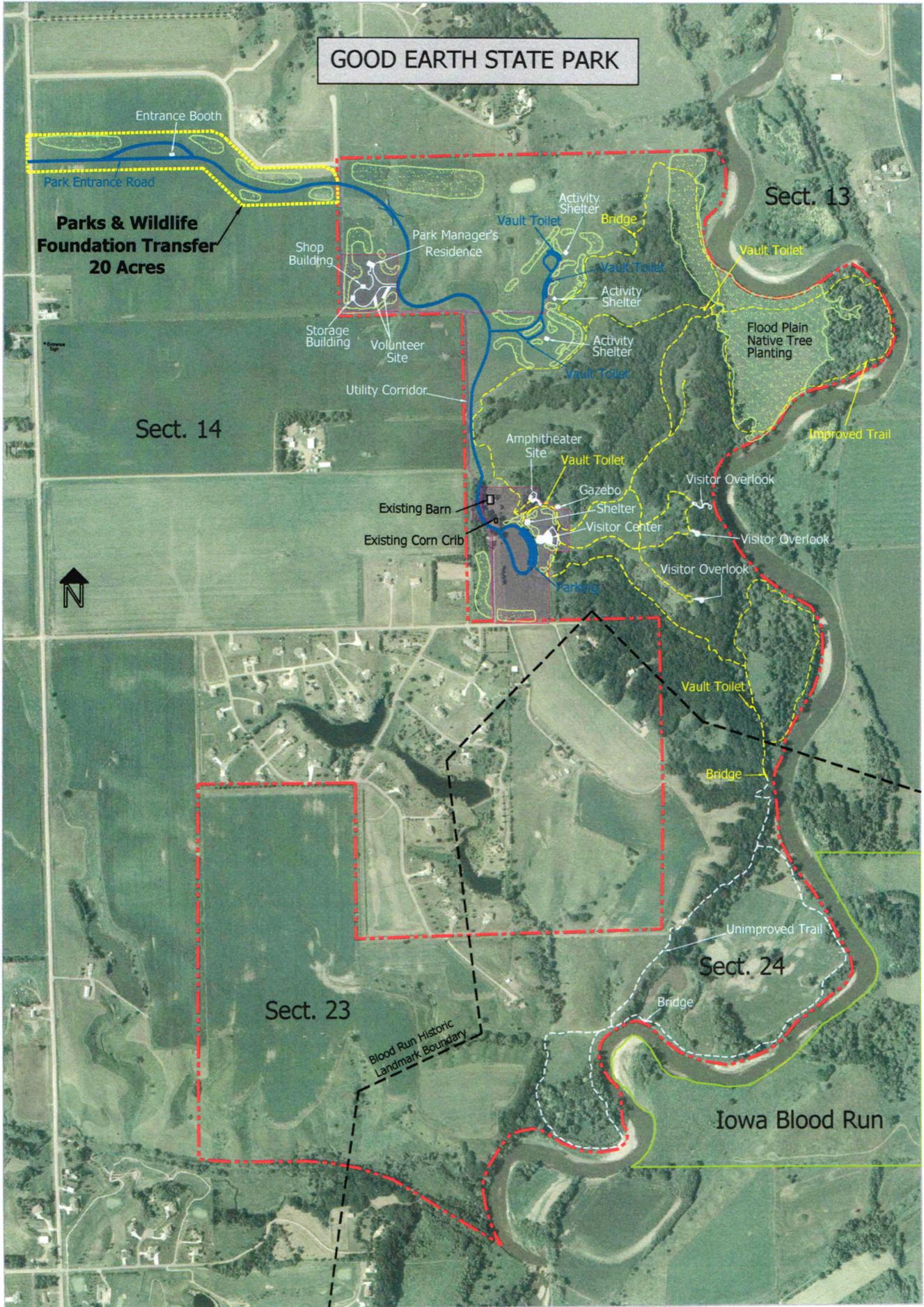
TOLL FREE: 800-239-9380

CELL: 605-222-4149

[www.steamboatgf.com](http://www.steamboatgf.com)

[CALEB@STEAMBOATGF.COM](mailto:CALEB@STEAMBOATGF.COM)

# Division of Parks and Recreation



# BLOOD RUN NATIONAL HISTORIC LANDMARK AREA

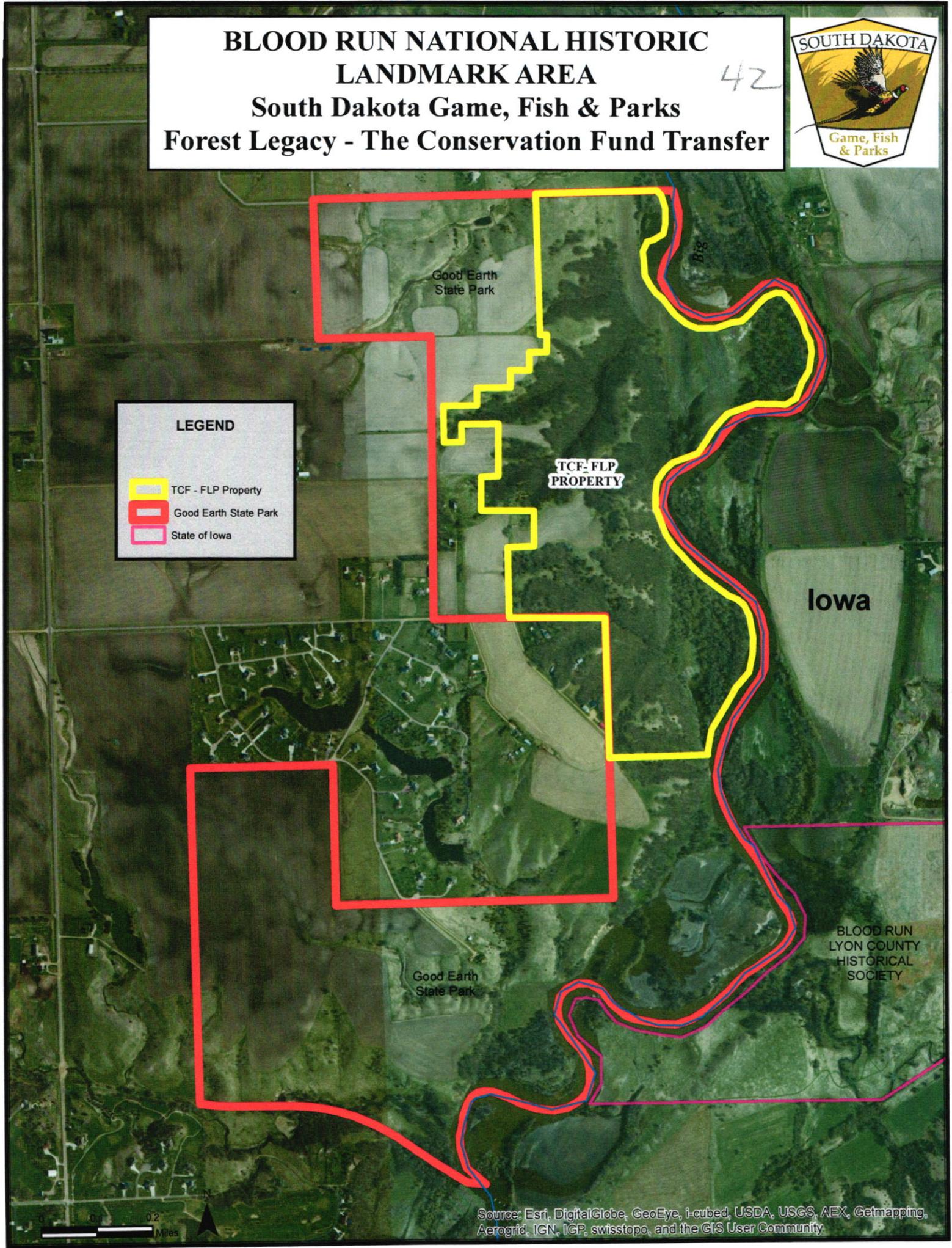
South Dakota Game, Fish & Parks  
Forest Legacy - The Conservation Fund Transfer

42



**LEGEND**

- TCF - FLP Property
- Good Earth State Park
- State of Iowa



Source: Esri, DigitalGlobe, GeoEye, i-cubed, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community