

Minutes of the Game, Fish, and Parks Commission
December 10-11, 2015

Chairman Cooper called the meeting to order at 1:00 p.m. CDT at the RedRossa in Pierre, South Dakota. Commissioners John Cooper, Cathy Peterson, H. Paul Dennert, Barry Jensen, Gary Jensen, Jim Spies and W. Scott Phillips were present. Secretary Kelly Hepler was present along with approximately 40 public, staff, and media.

DIVISION OF ADMINISTRATION

Approval of Minutes

Chairman Cooper called for any additions or corrections to the November 5-6, 2015, minutes or a motion for approval.

Motion by B. Jensen with second by Spies TO APPROVE THE MINUTES OF THE NOVEMBER 5-6, 2015, MEETING. Motion carried unanimously.

Additional Commissioner Salary Days

Commissioner Dennert requested two additional salary days.

Motion by Peterson with second by Phillips TO APPROVE THE ADDITIONAL SALARY DAYS AS REQUESTED. Motion carried unanimously.

2016 Meeting Schedule

Chris Petersen, Administration Division Director presented the 2016 Commission Meeting Calendar

Motion by B. Jensen with second by Spies TO APPROVE THE 2016 COMMISSION MEETING SCHEDULE AS PRESENTED. Motion carried unanimously.

License List Requests

Chris Petersen, Administration Division Director presented a license list request for preserve license lists from Prairie Sky Game Ranch and Guest Lodge, LLC to be used for marketing purposes.

Motion by Dennert with second by Peterson TO APPROVE THE LICENSE LIST REQUEST. Motion carried unanimously.

A license list request was received from the Pierre Area Chamber of Commerce and Convention and Visitors Bureau to be used to promote hunting and fishing in the Pierre area.

Motion by G. Jensen with second by Phillips TO APPROVE THE LICENSE LIST REQUEST. Motion carried unanimously.

Analysis of Economics Related to GFP

Chief Scott Simpson presented the Departments plan to work with Southwick Associates to produce economic contribution information. Simpson noted they will be looking at multiple licensing groups such as fishing, waterfowl, small and big game by resident and nonresident by location. In addition to utilizing current survey data there will be an email survey to minimize costs and get feedback and provide solid information to the Commission within the next 6 months.

Parks and Wildlife Foundation Update

Larry Ness, chairman of the South Dakota Parks and Wildlife Foundation presented highlights on current projects including fundraising, activities and ongoing management to the Commission. Since 2009 the Foundation has helped raise 12.1 million in contributions and pledges. The Foundation currently owns or manages 1,420 acres of land to support Department objectives including 720 acres of land near Avon for game production, 450 acres of land at the Adams Homestead and Nature Preserve and 250 acres of land at Good Earth State Park. Additionally, the Foundation manages 25 project accounts to support various GFP properties and projects statewide.

PROPOSALS

Bighorn Sheep Hunting Season

Assistant Director Tom Kirschenman presented the two year recommendation for three licenses within the season dates of September 1 – December 31, 2016. Per administrative rule a minimum of one license must be an auction license. One license would be issued in unit one which consists of a portion of Pennington County and unit two would be issued two licenses, one of which will be the auction license, Unit two is will be the Elk Mountain unit that GFP shares with the state of Wyoming. This will be for two years unless there is something that would require staff to present change to Commission.

Staff continues to monitor domestic herds and update database as they are aware of changes. Staff also speak with individual owners and provide info for alternative management.

Cooper stated that a motion is not required, just a two year recommendation in 2017 unless an issue comes up in the management plan.

Authorization for Terminally Ill Persons to Hunt

Director Tony Leif provided background noting recent action in other states passing legislation to allow for the ability to grant these licenses to individuals with limited life expectancy. He also mentioned the inquiry from Verne Boer and the Outdoor Adventure Foundation. Upon research it was realized that legislation is not required in South Dakota to make an allocation for licenses for terminally ill persons to hunt. A proposal grants Secretary Hepler authority to issue authorizations to hunt without going through the licensing process. It was noted there would not be a restriction on the

number of license and they would not be part of the license pools. Requirements and Restrictions would be as follows:

1. The Secretary may authorize a resident who has been diagnosed by a licensed doctor of medicine to have a terminal illness which is medically expected to significantly shorten their life expectancy to hunt deer, antelope, and turkey.
2. A resident the age of 25 and under diagnosed by a licensed doctor with cancer, a life-threatening illness, or a disease that significantly shortens their life expectancy is eligible for authorization.
3. The person receiving such authorization would be allowed to hunt only during established seasons.
4. The person would be authorized to take no more than one deer, one antelope, one turkey.
5. Certain restrictions may be waived or additional terms or conditions may be imposed necessary to facilitate participation for the person receiving such authorization.

Motioned by Cooper with second by G. Jensen TO APPROVE THE PROPOSAL AUTHORIZING TERMINALLY ILL PERSONS TO HUNT. Motion carried unanimously.

A draft administrative rule will be provided to the Commission with the finalization.

Public Hearing

The Public Hearing began at 2:00 p.m. and concluded at 2:05 p.m. and the minutes follow these minutes.

FINALIZATIONS

License Request Process

Petersen presented the proposed change to add permissive language to the rule authorizing the department to sell license lists to repeat applicants under certain circumstances. This streamline process allow the department to sell a license list to an applicant without seeking commission approval if the commission has previously approved a license list request from the same applicant for a similar purpose. License lists received from new applicants or for new uses would continue to be presented to the Commission for approval.

Peterson noted that Administration staff follow up each month on each license list request informing denial or providing approved lists.

Motioned by Petersen with second by Spies TO APPROVE THE ADDITION OF PERMISSIVE LANGUAGE TO THE RULE AUTHORIZING THE DEPARTMENT TO SELL LICENSE LISTS TO REPEAT APPLICANTS UNDER CERTAIN CIRCUMSTANCES. Motion carried unanimously.

OPEN FORUM

The Outdoors Adventures Foundation Directors Verne Boer and Alan Machmiller provided a presentation and overview of their program. Boer explained the mission of their foundation to provide hunting and fishing adventures for children and young and adults with cancer or other life threatening illnesses. In addition they also provide hunting and fishing adventures for combat disabled veterans under the age of 40 that are wheelchair bound caused by injury during active services or who have lost a limb during active services. In 2015 over 16 adventures fulfilled and 20 are currently planned for 2016.

Boer recently contacted GPF to address the issue concerning the inability to obtain hunting licenses for the children before it was too late.

Matt Rippentrop was present on behalf of the Wild Sheep Foundations Midwest Chapter to thank the Commission for moving forward on the issuance of the auction tag. Rippentrop also recognized the importance of the Bighorn Sheep study and provided an update on their current projects.

DIVISION OF PARKS AND RECREATION

Town of Oacoma – Convention Center Lease Amendment

Sean Blanchette, concessions manager provided an amendment to the lease with the City of Oacoma in regards to the convention center attached to Cedar Shore Resort which subleases the operations. This an extension to the 2004 agreement that would allow Oacoma to retain rental feed to be utilized for road and facility maintenance.

Motioned by B. Jensen, seconded by G. Jensen TO ADOPT THE AMENDED LANGUAGE ON THE CEDAR SHORE LEASE (Appendix A) WITH THE CITY OF OACOMA. Motion carried.

Custer State Park Resort Company 2015 R&M Fund Summary

Snyder provided a brief summary of 2015 Repair and Maintenance projects. Josh Schmaltz, resort manager indicated they completed the year with \$150,000 overrun and plan to be even by 2018. He also summarized the major projects noting renovations to dorms and cabins at Legion and Sylvan Lakes' as well as the removal of the old boat house.

Custer State Park Buffalo Auction Results

Matt Snyder, regional supervisor and Gary Brundige, resource management specialist provided results from the 50th Custer State Park buffalo auction. The auction had 43 bidders, 16 buyers from 11 states with total sales over \$344,000. Sold about 40 fewer animals this year

It was noted next year will be an online video auction to bring everyone up to the new visitor's center. It will still a live animal auction just viewed offsite and is a lot less

stress on the animals. A sale catalog will be provided as with most sales and buyers can still see the animal prior to purchase if wanted.

Custer State Park Resource Management Plan Overview

Snyder and Brundige provided a powerpoint outlining the Custer State Park Resource Management Plan Overview. Brundige explained that the plan encompasses Peter Norbeck vision to protect and manage natural resource base while making the park available to the visiting public and promoting public use. He noted that the agency comment period has recently concluded and once those comments have been incorporated it will be open for public comments.

Revenue, Camping and Visitation reports

Acting Director Bob Schneider provided the year to date comparison of parks revenue noting it has been a great year. Schneider stated visitation was up 4 percent, camping 9 percent and revenue 11 percent. He noted outdoor recreation has shifted due to season and that a lot of the parks are open for hunting and serve as basecamps for hunters.

DIVISION OF WILDLIFE

Franzen Addition to Hedman GPA – Day County

Paul Coughlin, program administrator provided the current land acquisition and disposal report to the Commission.

The Franzen property is 400 acres located in Day County and would be utilized as an addition to the Hedman game production area. Purchase price is determined by an appraisal by an independent contactor certified to appraise at the federal standards.

Motion by G. Jensen with second by Dennert TO ADOPT RESOLUTION 15-20 (Appendix B).

Roll call vote: Dennert-yes; B. Jensen-yes; G. Jensen-yes; Petersen-yes; Phillips-yes; Spies-No; Cooper-yes. Motion passes with 6 yes and 1 no

Discussion continues on how to balance out acquiring new land while maintaining the property the agency currently owns.

Peterson was contacted by Franzen and they are very excited to provide this opportunity.

Bighorn Sheep Auction License

Tom Kirschenmann presented the Commission with the application received from the Wild Sheep Foundation – Midwest Chapter for an auction license noting all received for the past four years have been successful.

Motioned by Spies with second by B. Jensen TO APPROVE THE REQUEST FROM THE WILD SHEEP FOUNDATION – MIDWEST CHAPTER TO OBTAIN AN BIG

HORN SHEEP LICENSE TO BE AUCTIONED OFF. Motion carried unanimously.

Land acquisition projects

Coughlin provided information on the DOT – Big Sioux River Water Access Area located in Moody County. It is 3.5 acres of land has been advertised and will be brought before the Commission for final action at the January 2016 meeting.

Land acquisition guidance document update

Coughlin explained the priorities and guidelines process document sets out priorities into three categories: add to an existing GPA or water, points of access to public waters, and anything else that may be of significance. He will be updating the document to better identify the priorities for the agency in regards to land management to confirm if it is it meeting the Department's needs, does the Department have the resources to manage at the level we would like to manage at, and does this meet the strategies/objectives of hunter access and management plans.

Bighorn Sheep Population Update

Chad Lehman, senior biologist and John Kanta, program specialist provided a powerpoint presentation on the Big Horn Sheep population noting the 6 herds established within the state. Information gathered such as harvest success by size and quality, population dynamics surveys and research is used to formulate a recommendation was presented.

Season Setting Schedule

Kirschenmann provided the 2016 season setting schedule. The current schedule shows the trend to move to a multiyear schedule unless something significant would arise. Kirschenmann indicated a few key points as follows: the waterfowl season will be determined earlier in the year in accordance to federal framework, the elk season aerial survey will be completed this winter and a full report will be provide with recommendations in March, and May will be deer season will be annual until the completion of the management plan.

EHD Disease Update

Kirschenmann provided a brief summary on EHD. He indicated we have incidents each year some areas more frequently due to drought. It was noted the spike in 2012 which are from reports received from hunters and landowners helped us gage incidents. This year a pocket of 127 reports were received by landowners in Sully County. The Department was able to submit samples to verify EHD in Pennington and Sully Counties predominately affecting whitetail deer.

The western portion of Sully county opportunity was offered a refund. 122 total licenses equating to 211 tags returned reinstatement of preference points.

Stakeholder Opinion Database Update and Demo

Kirschenmann explained how the process works to obtain information from the landowners and develop recommendations at the local level.

Nathan Baker, program specialist provided a brief demonstration to the group indicating this is another tool used to compile data. Commissioner Phillips assisted Baker with the demonstration of the data gathering process and reporting system.

Chelsea Krause, staff specialist showed how reports can be compiled per specific criteria such as county, species, etc. Staff can then use this data along with biological data to make the appropriate management approach.

I-90 Road Check Report

Andy Alban provide information on the I-90 road check that was held in conjunction with west river deer season, pheasant season and big game seasons in western states. He indicated this was a coordinated effort among states, federal officers, law enforcement and refuse officers, Aurora County sheriff and deputy, and Highway patrol. Alban further explained road checks done every year, but not to this magnitude since 2003 near Vivian. It was cancelled two previous years due to weather and extreme cold for the safety and wellbeing of public and staff. Over 33,000 vehicles went through the check 20 percent had game or fish on board. Over 12,000 licenses were checked approximately 700 were resident and 500 nonresident. There were 140 violations total of which 64 percent were big game, 22 percent small 14 percent other.

AIS Update

Mike Smith, senior biologist provided a power point and brief update on AIS in regards to the status of the zebra mussel issue at Lewis and Clark. They have seen some range expansion down stream, but none have been found above the delta. Boat check efforts continue on both sides of the river with assistance from the National Parks Services. Further collaborative efforts continue with multiple agencies with emphasis on outreach and watercraft inspection and decontamination to increase compliance stopping the spread of zebra mussels.

Employee Public Service Award

Leif presented District Conservation Officer Supervisor Mark Ohm the employee public service award for exemplary public service both on and off the job.

License sales report

Simpson provided the licensed sales report at of December 8 indicating fishing and nonresident small game license sales were slightly up from 2014.

Motioned by Cooper with second by Spies TO ADJOURN THE MEETING.
Motion carried unanimously and the meeting adjourned at 10:00am

**OACOMA LEASE (CEDAR SHORES) CONVENTION CENTER
FIRST AMENDMENT TO LEASE
FOR PARK AND RECREATION PURPOSES
TOWN OF OACOMA
ON LAKE FRANCIS CASE**

THIS FIRST AMENDMENT TO LEASE is entered in to on _____, 2015, by and between the South Dakota Department of Game, Fish and Parks ("State") and the Town of Oacoma ("Town").

WHEREAS, the State and Town entered a lease on January 8, 2004, to facilitate Town's construction of a Convention Center adjacent to Cedar Shore Resort; and

WHEREAS, The Town has subleased the operation of the Convention Center to the Resort and assessed the annual rental payment required by the lease; and

WHEREAS, pursuant to the terms of the lease the required annual rental payment is retained by Town to service its indebtedness for bond funds utilized for the construction of the convention center only until such time the indebtedness is fully satisfied, at which time the required annual rental fee shall become payable to State; and,

WHEREAS, the Town has further accepted responsibility to provide annual routine maintenance to the Convention Center and Resort entrance road;

WHEREAS, the Town desires and the State is agreeable to allow Town to retain all future rental payments for the remainder of the Lease term for Town's utilization towards performing annual routine maintenance to the entrance road, parking lot, Convention Center and associated infrastructure.

NOW, THEREFORE, the LEASE FOR PARK AND RECREATION PURPOSES TOWN OF OACOMA ON LAKE FRANCIS CASE dated January 8, 2004, is hereby amended as follows:

1. Section 30 "RENTAL" is hereby deleted in its entirety
2. Except as modified by this FIRST AMENDMENT, all terms and conditions set forth in the LEASE FOR PARK AND RECREATION PURPOSES TOWN OF OACOMA ON LAKE FRANCIS CASE dated January 8, 2004 shall remain in full force and effect.

END OF AGREEMENT TEXT

IN WITNESS WHEREOF, the parties hereto have hereunder subscribed their names this _____
day of _____, 2015.

SOUTH DAKOTA DEPARTMENT OF GAME, FISH AND PARKS

Robert Schneider, Acting Director
Division of Parks and Recreation
(STATE)

CITY OF PIERRE

_____, President

Oacoma Town Board of Trustees
(TOWN)

Appendix B

RESOLUTION 15 - 20

WHEREAS, the Department of Game, Fish, and Parks (GFP) has expressed an interest in acquiring real property presently owned by the Nathan and Michelle Franzen Revocable Trust dated April 22, 2014, 174 Oak Hills Drive, Yankton, SD 57078, which property is described as:

Northeast Quarter (NE $\frac{1}{4}$) of Section Ten (10); and the North Half of the Northwest Quarter (N $\frac{1}{2}$ NW $\frac{1}{4}$), the Southwest Quarter of the Northwest Quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$), the North Half of the Southwest Quarter (N $\frac{1}{2}$ SW $\frac{1}{4}$), and the Southeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section Eleven (11), all in Township One Hundred Twenty-four (124) North, Range Fifty-seven (57) West of the 5th P.M., Day County, SD, containing 400 acres, more or less, and hereafter referred to as FRANZEN 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 FRANZEN PROPERTY and execute and consummate an agreement with Nathan E. Franzen and Michelle D. Franzen, as Trustees of the Nathan and Michelle Franzen Revocable Trust dated April 22, 2014, which is acceptable to GFP to acquire by purchase, at the price of \$920,000.00, the FRANZEN PROPERTY for use as a Game Production Area.

Public Hearing Minutes of the Game, Fish and Parks Commission
December 10, 2015

The Public Hearing Officer Scott Simpson began the public hearing at 2:00 p.m. at the RedRossa in Pierre, South Dakota with Commissioners Cooper, Peterson, Jensen, Jensen, Phillips, Dennert, and Spies present. Simpson indicated written comments were provided to the Commissioners prior to this time and will be reflected in the Public Hearing Minutes. Simpson then invited the public to come forward with oral testimony.

License Request Process

No oral or written testimony was received

Deer Season

No oral testimony was received.

Written testimony:

Joe Henderson, Madison, SD, emailed, "As we wind down another year of deer season I thought I would write and ask a few questions/give feedback.

I feel the correct steps are starting to be taken to begin upping the numbers of the deer herd here in South Dakota. Every hunter knows that the deer population has taken a hit in the past 5 years. Even though the number of bucks that I saw were down, I did see a high number of doe this year, compared to years past. This is a good thing to see. With that said, I wish we would do away with the late season antlerless season. During this time, accidental bucks are shot due to rack sheds and it is more pressure on deer during the cold months. If GFP really thinks it is needed, please just have it turn over right away after the last day of general season.

This year I had the opportunity to hunt another state. Cows on Walk in areas there were required to be off the land. – Why doesn't South Dakota do the same? There are many times I make a track to a public area only to show up and find 200 cows tromping all over the quarter. Farmers are getting money to put these acres aside for hunting – leaving the cows out there during season highly impacts hunting success on a cow occupied field and also puts the cows in danger.

Last thing – I do take the opportunity in purchasing a special buck tag from time to time. I have always wondered, why is hunting on public ground/creps/ etc. not allowed with a special buck tag? I wouldn't mind seeing that changed in upcoming years.

Thank you for your time.

Tom Jensen, Sioux Falls, SD, emailed, "I am hoping that the state will consider amending special buck tags to allow hunters to also hunt on public or leased private grounds such as WIA / CREPS / ETC.

I enjoy the opportunity to purchase special buck tags and am fortunate enough to have some private land to hunt on. I am near a county line so it makes sense to purchase a special buck tag so that I may hunt more than one county as I so desire. However, successful programs such as CREPS and WIA have designated a lot of the land I hunt as off limits for a special buck tag because now they are open to the public. In the past this has prevented me from hunting the very land I put on the application for special buck because it was enrolled into CREPS after I applied! Great programs, but why not allow special buck tag holders to hunt public and/or state leased private land?

The tag is significantly higher priced and represents only a small fraction of allocated deer licenses. Eliminating public land use from the tag doesn't seriously impact or help control in any way what county is hunted. I cannot think of a single good reason why an east river special buck tag could not be a license to hunt private land you have permission for as well as any public access land.

Please let me know if this has been discussed and any potential issues this would cause etc.

Thank you very much!

The public Hearing concluded at 2:05 p.m.

Respectfully Submitted,

Kelly R. Hepler, Department Secretary