

## **Minutes of the Game, Fish, and Parks Commission July 24, 2019**

Chairman Gary Jensen called the meeting to order at 1:00 a.m. CT at via teleconference. Commissioners Gary Jensen, Mary Anne Boyd, Jon Locken, Scott Phillips, Russell Olson, Douglas Sharp, Robert Whitmyre were present when the roll was called. It was noted that a quorum was present. Secretary Kelly Hepler was present along with 15 staff and public in Pierre, 4 staff and public in Sioux Falls and 5 staff and public in Rapid City, and 1 staff in the Watertown, and 5 staff and public in the Chamberlain location.

### **Conflict of Interest Disclosure**

Chair Jensen called for conflicts of interest to be disclosed. None were presented.

Jon Kotilnek, senior staff attorney, explained the reason for the special meeting and the requirements and process of emergency rules.

### **Finalize Emergency Amendment to Containment Water Rules to Include Lake Sharpe and Lake Francis Case**

John Lott, fisheries chief, presented the proposed rule change that would allow Game, Fish and Parks to designate Lake Sharpe and Lake Francis Case as containment waters thus requiring boaters to follow decontamination rules as laid out in ARSD 41:10:04:08.

Lott further explained there is an imminent threat to the public welfare and the emergency rule would secure or protect the best interests of the state. The zebra mussel is a devastating aquatic invasive species that has a significant impact on reservoir infrastructures. The mussel attaches to intakes on dam structures as well as intake valves and pumps used for irrigation purposes. This results in substantial costs for mussel removal and equipment maintenance.

Zebra mussels have the potential to harm aquatic ecosystems and impact municipal and agricultural water systems. The species is a filter feeder that consumes plankton and algae in the water. Each individual is capable of filtering over one liter of water per day. Zebra mussels also become troublesome for recreational users and water users when they attach to the insides of engine cooling systems and water intake structures and restrict the movement of water. The shells are extremely sharp which could potentially limit the use of swimming beaches. In some areas of the country, they have been found in densities of over 700,000 individuals per square meter.

Currently, administrative rule lists four water bodies as containment waters that require recreational users to take additional precautionary measures when recreating with a boat. The addition of this emergency rule would add two additional water bodies to the list, Lake Francis Case and Lake Sharpe.

It is necessary for an emergency rule to be implemented because given the statutory requirements and timelines, an ordinary rule would not become effective until October 2019. The quicker the Department can act in order to maximize efforts in slowing the spread of the mussels the better chances we have at preventing more lakes from becoming infested with zebra mussels.

Motion by Phillips, second by Boyd TO APPROVE THE ADOPTION OF AQUATIC INVASIVE SPECIES RULES 41:10:04:06 TO INCLUDE LAKE FRANCIS CASE (from Fort Randall Dam upstream to Big Bend Dam) AND LAKE SHARPE (from big Bend Dam upstream to Oahe Dam) IN THE CONTAINMENT WATERS. Roll call vote: Boyd-yes; Locken – yes; Olson- yes; Whitmyre - yes; Phillips – yes; Sharp- yes; Jensen-yes. Motion passes with 7 yes votes and 0 no vote.

The commission noted the need to approach AIS management statewide and proposed sending a letter to Governor Noem on this issue.

Motion by Phillips, second by Sharp TO INFORM THE GOVERNOR AND ASK HER TO LEAD A STATEWIDE CALL TO ACTION TO DEVELOP AND IMPLEMENT A COMPREHENSIVE RESPONSE TO THE SIGNIFICANT ENVIRONMENTAL, CULTURAL, SOCIAL AND ECONOMIC THREAT PRESENTED BY ZEBRA MUSSELS AND OTHER AQUATIC INVASIVE SPECIES IN OUR STATE Roll call vote: Boyd-yes; Locken – yes; Olson- yes; Whitmyre - yes; Phillips – yes; Sharp- yes; Jensen-yes. Motion passes with 7 yes votes and 0 no vote.

**Adjourn**

The meeting adjourned at 2:02 p.m.

Respectfully Submitted,



Kelly R. Hepler, Department Secretary