

Minutes of the Game, Fish, and Parks Commission
April 4-5, 2013

Chair Susie Knippling called the meeting to order at 1:04 PM at the Holiday Inn Express Conference room in Winner, South Dakota. Commissioners Susie Knippling, Jim Spies, Barry Jensen, Cathy Peterson, and Gary Jensen were present. Commissioner Duane Sather was present by conference phone. Commissioner John Cooper was absent. Secretary Jeff Vonk was present with approximately thirty-five public, staff, and media.

Division of Administration

Chair Knippling called for any additions or corrections to the March 7-8, 2013, minutes or a motion for approval.

Motion by Gary Jensen with second by Spies TO APPROVE THE MARCH MINUTES AS PRESENTED IN THE COMMISSION BOOK. Motion carried unanimously.

Knippling called for additional salary days and Spies requested one for the Region 4 meeting.

Motion by Barry Jensen with second by Peterson TO APPROVE THE ADDITIONAL SALARY DAY FOR COMMISSIONER SPIES. Motion carried unanimously.

Director of Administration Chris Petersen presented a license list request from Johnson Fur Company, Inc. asking for a list of east river trappers. Johnson Fur Company wants to provide their buying locations to this group of trappers. This would be a full fee request.

Motion by Spies with second by Gary Jensen TO APPROVE THE LICENSE LIST REQUEST FROM JOHNSON FUR COMPANY, INC. AS REQUESTED. Motion carried unanimously.

Petersen presented the License Sales Totals report for April 2, 2013, indicating sales slowed since last month, probably due to cold weather and the deteriorating conditions of the ice thus hampering open water fishing. May and early June will complete 75% of the fishing license sales for this year.

Open Forum

Russ Roberts of St. Onge, SD, shared his concern for the date change of West River Deer Season made in 2009. This created a problem as the last 13 years the opener was the second Saturday in November. People did not realize or understand that the change made and how this would create problems for hunters who plan two years ahead for preference points and vacation or travel plans. Roberts believes it is not biologically good to hunt deer during the rut as many more bucks, especially the older bucks, are harvested and this affects the breeding cycle.

Roberts indicated he wanted a change in the landowner and special buck tag application to include the section, township, and range of land the hunter has permission to hunt. This would require the hunter to visit with the landowner to acquire the description and permission prior to the completing the application.

Russ Williams shared his concerns for the special buck application process and wants the draw to be in January or December for the next season to assist with travel plans. He had 22 hunters in 2012 from across the country and world and if they are unsuccessful in the special buck draw, they have to wait until the regular draw, making it hard to plan that late in the year. He would like to see licenses issued to a landowner for a specific section of land that can be used for sale of hunts. Often times these hunters also hunt pheasants and turkey when in South Dakota.

Public Hearing

The Public Hearing began at 2:02 PM and concluded at 2:19 PM. Minutes of the Public Hearing follow the minutes of the regular meeting.

Finalizations

Camping Permits and Rules 41:03:04:03

Parks Operations Assistant Director Bob Schneider presented the proposed changes to camping permit fees indicating there were no recommended changes to the proposal. The proposal will add Sheps Canyon Recreation Area lodge to the list of group lodging fees with a rate of \$240 per night for the first eight persons age 12 and older, plus \$17 for each additional person age 12 and older, consistent with other similar sized lodges. The Sheps Canyon lodge will be ready for Memorial Day weekend and no public comment was received regarding this proposed change.

Add Sheps Canyon to the list of areas that require a group lodging fee and establish the fee.

Motion by Peterson with second by Gary Jensen TO FINALIZE CHANGES TO CAMPING PERMIT AND RULES 41:03:04:03 AS PROPOSED. Motion carried unanimously.

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

License Forms and Fees 41:06:02

Custer State Park Restrictions 41:06:07

Schneider presented the proposed changes to Custer State Park Non-Trophy Bison Hunting Season. The changes will adjust the fees, specify the number of licenses available, allocate licenses in a first draw for SD residents only, establish and provide for the preference point system similar to other big game hunting seasons, and provide rules for licenses to be administered within the big game license sales system. Schneider presented a recommended change to add a unit where an applicant can purchase a preference point similar to other big game seasons.

Add a unit where no non-trophy bull bison or cow bison may be issued, but an applicant shall accrue a preference point as provided in 41:-6:01:09.

Motion by Gary Jensen with second by Spies TO AMEND THE PROPOSAL AS RECOMMENDED. Motion carried unanimously.

1. Add a unit where no non-trophy bull bison or cow bison may be issued, but an applicant shall accrue a preference point as provided in 41:-6:01:09. (41:06:60:02)
2. Issue 15 non-trophy bull bison and 10 cow bison licenses. (41:06:60:02).
3. Allocate 7 non-trophy bull bison licenses and 5 cow bison licenses to residents in a first draw. Leftover licenses after the first draw would be available in a second draw for all applicants.(41:06:60:02)
4. Modify preference so applicants accrue an additional point for each successive year they are unsuccessful in the draw. (41:06:60).
5. Increase license fee from \$1,500 to \$2,250 for a non-trophy bison bull and from \$1,000 to \$1,750 for a cow bison (41:06:02).
6. Add reference to non-trophy bison harvest as seasons in CSP available to nonresidents. (41:06:07).

Motion by Gary Jensen with second by Peterson TO FINALIZE CHANGES AS AMENDED TO CUSTER STATE PARK NON-TROPHY BISON HARVEST 41:06:60; LICENSE FORMS AND FEES 41:-6:02; AND CUSTER STATE PARK RESTRICTIONS 41:06:07. Motion carried unanimously.

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

Bob Schneider presented the proposed changes with a recommended change to provide for a preference point unit similar to other big game seasons.

Add a unit where no trophy bison bull license may be issued, but an applicant shall accrue a preference point as provided in 41:06:01:09. (41:06:42:02)

Motion by Barry Jensen with second by Gary Jensen TO AMEND CSP TROPHY BISON BULL HARVEST AS RECOMMENDED. Motion carried unanimously.

1. Add a unit where no trophy bison bull license may be issued, but an applicant shall accrue preference point as provided in 41:06:01:09. (41:06:42:02)
2. Issue 8 trophy bull bison licenses. (41:06:42:02).
3. Modify preference so applicants accrue an additional point for each successive year they are unsuccessful in the draw. Change reference from "permit" and "permit holder" to "license" and "licensee."
4. Allocate 2 trophy bison licenses to residents in a first draw. Leftover licenses would be available in a second draw for all applicants.

Motion by Peterson with second by Spies TO FINALIZE CUSTER STAE PARK TROPHY BISON BULL HARVEST 41:06:42 AS AMENDED. Motion carried unanimously.

Custer State Park Any Elk Hunting Season 41:06:27

The Elk Population Survey and Movement Project PowerPoint presentation was given by John Kanta and Andy Lindbloom prior to the finalization of the elk hunting seasons.

Terrestrial Resource Chief Tom Kirschenmann indicated there were no recommended changes to the season and discussion included migration between the Black Hills and Wyoming, the gates between Wind Cave and Custer State Park, the 26-collared elk from Wind Cave, and the Wind Cave elk remaining in Custer State Park.

Motion by Gary Jensen with second by Spies TO FINALIZE THE CSP ANY ELK HUNTING SEASON 41:06:27 WITH NO CHANGES TO RULE. Motion carried unanimously.

Custer State Park Early Archery Elk Hunting Season 41:06:28

Kirschenmann indicated there were no recommended changes to proposal and to rule should remain in current form.

Motion by Peterson with second by Spies TO FINALIZE CSP EARLY ARCHERY ELK HUNTING SEASON 41:06:28 WITH NO CHANGES TO RULE. Motion carried unanimously.

Archery Elk Hunting Season 41:06:43

Chief Kirschenmann presented the proposed changes to rule recommending an adjustment to the number of licenses in Unit 1 and Unit 2 increasing the number to the of licenses available in 2012.

Amend proposed licenses by increasing the number of "any elk" licenses in Unit 1 from 15 to 20 and increase the number of "any elk" licenses in Unit 2 from 40 to 50.

Motion by Barry Jensen with second by Peterson TO AMEND ARCHERY ELK HUNTING SEASON AS RECOMMENDED. Motion carried unanimously.

Adjust the number of licenses available from 82 "any elk" and 15 "antlerless elk" licenses (total of 97 licenses) to 92 "any elk" and 15 "antlerless elk" licenses (total of 107 licenses for 2013).

Motion by Barry Jensen with second by Spies TO FINALIZE ARCHERY ELK HUNTING SEASON 41:06:43 AS AMENDED. Motion carried unanimously.

Black Hills Elk Hunting Season 41:06:26

Kirschenmann presented the proposed changes indicating the recommended change is to adjust the number of licenses in Unit 1 and Unit 2 to the number of licenses available in 2012. This recommendation comes from the information obtained in the aerial survey. It will also continue to allow an increase in the elk population. Discussion included depredation complaints of private landowners in Unit 2.

Increase the number of "any elk" licenses and "antlerless elk" licenses in Unit 1 from 60 and 30 to 75 and 40, respectively; and increase the number of "any elk" licenses in Unit 2 from 200 to 250.

Motion by Gary Jensen with second by Barry Jensen TO AMEND BLACK HILLS ELK HUNTING SEASON AS RECOMMENDED. Motion carried unanimously.

Adjust the number of licenses available from 395 "any elk" and 175 "antlerless elk" licenses (total of 570 licenses) to 445 "any elk" and 175 "antlerless elk" licenses (total of 620 licenses).

Motion by Peterson with second by Barry Jensen TO FINALIZE CHANGES TO BLACK HILLS ELK HUNTING SEASON 41:06:26 AS AMENDED. Motion carried unanimously.

Prairie Elk Hunting Season 41:06:59

Chad Switzer presented the proposed changes to the Prairie Elk Hunting Season indicating there were no recommended changes to the proposal. Switzer indicated the prairie season is managed differently as these units are almost entirely on private land. The proposed changes have been shared with the Nebraska Game and Fish.

1. Adjust the number of licenses available from 47 "any elk" and 53 "antlerless elk" licenses (total of 100 licenses) to 45 "any elk" and 51 "antlerless elk" licenses (total of 96 licenses).
2. Modify Unit 30 (Gregory County) by removing that portion of Boyd County, Nebraska (see attached map).
3. Adjust the season dates for Unit 30 (Gregory County) from September 29 – October 28 and December 1-31 to September 1 – December 31.
4. Adjust the season dates for Unit 11B (Bennett County and portions of Mellette County) from September 1 to the second Sunday of October to September 1 to the Friday before the third Saturday in October.
5. Add Unit 11D (Bennett County and portions of Mellette County) with season dates of September 1 – December 31.

Motion by Barry Jensen with second by Gary Jensen TO FINALIZE CHANGES TO PRAIRIE ELK HUNTING SEASON 41:06:59 AS PROPOSED. Motion carried unanimously.

Hunting Season Proposals

Nonresident Waterfowl Hunting Season

Chief Tom Kirschenmann presented the current rules indicating the number of licenses available to nonresidents is determined in state statute and the Department has no recommended changes for the 2013 season.

Special Canada Goose Waterfowl Hunting Season

Kirschenmann presented the rules and restrictions with no recommended changes.

Tundra Swan Hunting Season

Chad Switzer presented the dates, requirements, restrictions, and harvest information with no recommended changes to the rule.

Division of Parks and Recreation

Camping Permits and Rules

Assistant Director Bob Schneider presented a recommended change to camping permits to remove the \$2.00 reduction in camping fee during the winter months when comfort stations are closed. Although campground use is minimal during the winter, the Division incurs costs to maintain access to campgrounds. Eliminating the \$2.00 discount will help recoup some of this added wintertime cost. The new reservation system contract allows campers to reserve sites year round, 24 hours a day, seven days a week. Schneider indicated managers keep the comfort stations open as long as possible.

Eliminate the \$2 differential in camping fees during cold weather periods when restroom and shower facilities are closed.

Motion by Peterson with second by Spies TO PROPOSE THE RECOMMENDED CHANGE TO CAMPING PERMITS AND RULES AS PRESENTED. Motion carried unanimously.

Pennington County Land Transfer

Parks Director Doug Hofer indicated the Department of Transportation approached the Department with a desire to transfer approximately one-third of an acre of land adjacent to the Mickelson Trail located about three miles south of Hill City to Game, Fish, and Parks. Hofer supports the transfer and presented Resolution 13-04 for Commission consideration.

Motion by Gary Jensen with second by Spies TO APPROVE RESOLUTION 13-04 AS PRESENTED (Appendix A). Motion carried unanimously.

Dock 44 Concession Amendment

Parks Concessionaire Manager Sean Blanchette presented background on the Dock 44 and Marina concession operation at Snake Creek Recreation Area indicating the operators wish to add video lottery to their existing services. Blanchette indicated other concessionaires have had video lottery in the past and this does generate income for the resort. The location of the lottery room is approved by the Department and placed away from family friendly areas. The resort owner incurs the construction costs of the gaming room while income generated is subject to the franchise fee. Blanchette presented the First Amendment to Concession Agreement and recommended approval.

Motion by Spies with second by Gary Jensen TO APPROVE THE FIRST AMENDMENT TO CONCESSION AGREEMENT DOC 44 AND MARINA AS PRESENTED (Appendix B). Motion carried unanimously.

Sheps Canyon Horse Trails

Director Hofer provided background and letters with the Black Hills National Forest regarding the Special Use Permit application indicating the approval process could take eight to twelve months for a final decision, and if new trails are constructed the USFS is recommending allowances for more than one type of non-motorized use. The Bureau of Reclamation also required a Special Use Permit and approved the application earlier this month.

Hofer indicated plans for the trail system at Angostura are on hold and the Department is waiting for a decision regarding the environmental analysis requirement before developing five miles of trail on the Bureau of Reclamation land leased by the Department.

Building Committees

Director Hofer stated the 2013 Legislature approved funding for three Game, Fish, and Parks building projects and that a committee is required to select the consultant engineering firms that will design these projects. The committee by statute must consist of the State Engineer, Department Secretary or designee, and a member of the governing Commission to work with the contractor for design. The three projects are Cedar Shores marina bank stabilization, the Custer State Park Visitor's Center, and the Good Earth Visitor's Center and Phase 1 development. A Commission member will need to serve on each of these project committees and could meet within the next 60-90 days. Chairman Knippling will appoint a member for each committee.

Director Hofer indicated the Commissioners will be invited to a special event tentatively scheduled on July 19 for the on-site Dedication of the Good Earth State Park at Blood Run.

Division of Wildlife

Rocky Mountain Elk Foundation Raffle

Tom Slowey representing the Rocky Mountain Elk Foundation provided background of their relationship with Game, Fish, and Parks including the funds provided for "on the ground" projects of more than \$60,000 in 2012. The sale of the raffle tag this year is up 16% from last year with hopes of more than \$20,000 raised for 2013. There are eighteen chapters in South Dakota holding banquets and selling the raffle tickets and two of the banquets happen the first week of May. Slowey requested the draw be on May 4 at the Rapid City banquet and that Commissioner Gary Jensen be present for the draw. Gary Jensen indicated he could be present and this was okay with the Commission.

Wildlife Director Tony Leif asked Jerry Hershoff to join Tom Slowey and Director Leif presented them with an award recognizing the Rocky Mountain Elk Foundation for their partnership with GFP. Leif appreciates the assistance of the RMEF in elk management and in particular the continued funding for elk research and the assistance of moving elk out of Wind Cave. Director Leif thanked RMEF and their 150,000 members and volunteers who assist with elk habitat and management in South Dakota.

Chair Knippling called a recess at 4:44 PM with meeting to resume at 8:30 AM the next morning. The meeting resumed at 8:30 AM with Commissioners Knippling, Peterson, Gary Jensen, Barry Jensen, and Jim Spies present. Sather was not attending by conference phone. Secretary Vonk was present along with media, staff, and public numbering about twenty-five.

Animal Damage Control program

Director Leif indicated HB1123 provided additional funding to assist with the Animal Damage Control (ADC) program. The first step is to expand allocations of ADC time to current Wildlife Damage Specialists for on-the-ground services.

Keith Fisk presented a PowerPoint Presentation indicating the 2013 Legislature approved an addition \$1 surcharge on all license types beginning immediately to assist with animal damage. Fisk provided background and history of damage caused by coyote, beaver, and prairie dogs and spending for 2012 was \$934,000 with 2013 estimated costs of more than \$1.25 million. The addition funds will add three staff positions in the field and should provide funding until 2019. Immediate assistance begins with stepping up the aerial program by 260 hours and assisting predator districts. The additional funds will provide 3.3 full time equivalents to be reflected in the Fiscal Year 2014 budget. The Commission will review and approve the FY14 budget at the May or June meeting.

Bighorn Sheep Auction Tag

Chief Tom Kirschenmann indicated the bighorn sheep auction tag sold for \$102,000 and the Midwest Chapter of the Bighorn Sheep Foundation has fourteen days to submit the name to the Department. The funds will go into an established account within the Division of Wildlife for tracking the funds. A working group is being formed to determine priorities on how best these enhancement dollars should be spent, and the direction of bighorn sheep management. The Forest Service, other state wildlife agencies, and Canada are included with the management of bighorn sheep.

Big Game Season Structure

Kirschenmann presented the 2013-2014 Season table that was published in the Hunting Handbook along with a table showing the season start dates as in current rule from 2013 through 2022. The table shows that in 2013 and 2019 the Antelope and Archery Deer seasons have the same start date. The West River deer start date begins on the second Saturday seven of the years and three of the years the West River deer start date is the third Saturday of November. This is the first year since the rule changed four years ago to "sixteen days before Thanksgiving" that the start date is the third Saturday in November. Kirschenmann indicated this information will be available to the public and on the GFP Website.

Sturgis Remnant Highway Lot Property Disposal

Paul Coughlin indicated a small tract of land adjacent to Sturgis, the Marcotte GPA, and Interstate 90 remains on the tax rolls for the Division of Wildlife. This

1.01 acre was appraised at \$40,000 for light industrial use and is not suitable for wildlife habitat or recreation. The Department would like to dispose of this property and will bring this forward as an action item in May.

Aquatic Nuisance Species Awareness Campaign

Mike Smith gave a PowerPoint Presentation about a prevention and awareness campaign Aquatic Nuisance Species (ANS). Fishermen and boaters have been surveyed at 24 lakes the last two years about indicating about 90% of public has some awareness of ANS. A unified message and logo has been developed to assist in awareness and education with the use of billboards, radio messages, publications, and there will be messages in boats bought or repaired at boat dealers. Visitors to the GFP Website in May, June, and July will be directed to a page that teaches them about Aquatic Nuisance Species (ANS). Portable boat washing stations will be available at different lake access areas through the summer.

Bowhunter Education

Chief Scott Simpson provided a history of bowhunter education which became standardized in 1992. The SD Bowhunters, Inc. has been responsible for the program for the past 20 years and more than 26,000 people have completed the course. The National Bowhunters Education Foundation is developing a completely online course and SD Bowhunters agree this course should be available. Traditional bowhunter education classes will continue to be offered along with the online class alternative. Discussion with SD Bowhunters, Inc. will continue to determine class schedules and offer classes closer to the hunting season.

Planned Educational Activities

Simpson provided a list of the 2013 Step-Outside programs planned by the Wildlife Division staff across South Dakota not including the programs offered at the Outdoor Campuses. These free classes are youth and family oriented and open to the public.

2012 Pheasant and Grouse Harvest Estimates

Travis Runia presented a PowerPoint showing the 2012 pheasants harvested were 1.43 million, down from 1.56 million in 2011. The number of hunters remained steady in 2012 and the population estimate was slightly lower in 2012 than 2011. The pheasant population has been declining since 2007 along with CRP acres and drought conditions have affected the population in certain areas. Pheasants have been transplanted to the Hill Game Production Area in hopes to augment the population.

The prairie grouse harvest was about 50,000 similar to the past few years, with continued drought, it will affect the population and harvest.

Elk Population Survey and Movement Project

John Kanta presented a PowerPoint about the Wind Cave Elk Movement project indicating 389 elk were moved out of Wind Cave into Custer State Park.

These elk were mostly cows and calves and 26 had radio collars, which will continue to be monitored to see if they remain in Custer State Park or move elsewhere.

Andy Lindbloom provided a PowerPoint with details, maps, and photos of the aerial survey and explained how the models were developed. This major undertaking included twenty staff and 170 hours. It took over a month to develop hundreds of subunits that could be flown in an hour at 100 feet above ground by helicopters. The elk were counted and groups of fifty or more were photographed and then counted and typed after the flight. Helicopters stayed in touch with each other while flying many areas each day to minimize counting some herds twice and missing other herds. This process indicates an estimated 5,100 elk in the Black Hills with an additional 500 in Wind Cave and 500 in Custer State Park. The recommendation for the 2013 Elk Hunting Season would be to keep the current license allocations with no changes from 2012 season. All hunters are to submit incisor teeth from their harvested elk to determine the age of the elk. An elk management plan will be drafted this year.

Lower Oahe Goose Hunting Access Area Report

Cliff Stone gave a PowerPoint Presentation that included background, location, license information, and administration of the hunting program just north of Pierre. This area consists of 43 registration fields each containing hunting pits, shooting pits, or pass-shooting canals located on 36,000 acres of private land. The GFP Website posts aerial waterfowl counts online and is accessible by smart phones as well. Decoys, range finders, and other equipment are available for check out to assist hunters. In 2012, 3500 geese were harvested and hunter satisfaction continues to increase each year.

Mountain Lion Season Summary

Lindbloom stated the Mountain Lion Season closed on March 31 with 61 lions harvested, 35 were females, and 26 were males. Seven were harvested in Custer State Park and six were harvested with the use of dogs. The season started with 46 collared lions in the Black Hills, ten were harvested. The 2013 license sales were 4,351 and the prairie season is open year round. Custer State Park and the immediate area around it saw a harvest of thirteen lions last year, this year twelve lions were harvested. One sub-adult male was harvested that had an ear tag from Wyoming. The Wyoming season had four units with seventy lions harvested.

Spring Canada Goose Take Permit Update

Keith Fisk shared that on April 1 selected hunters could begin harvesting resident Canada geese in counties in Northeast South Dakota. The harvested geese have to be turned into processors for the Sportsmen Against Hunger Program and 21 geese were turned in the first day. Discussion included how hunters would be able to recognize resident geese and what happens if nonresident geese were harvested.

Secretary Vonk indicated there is a meeting with the Wildlife Management Institution team in Pierre on April 16.

Motion by Gary Jensen with second by Peterson TO ADJOURN THE MEETING. The motion carried unanimously and the meeting adjourned at 9:56 AM.

Respectfully submitted,

Jeffrey R. Vonk, Department Secretary

DRAFT

Appendix A

RESOLUTION 13 - 04

Whereas, the South Dakota Department of Transportation (DOT), has contacted the South Dakota Department of Game, Fish, and Parks (GFP) and has expressed a desire to transfer at no cost to GFP the title to following described real property located in Pennington County, South Dakota, to wit:

Tract 9 of Stubb's Placer M.S. #622 in the SE $\frac{1}{4}$ of Section 11, Township 2 South, Range 4 East of the B.H.M., Pennington County, South Dakota, less Lot H1; and

Whereas, the above described real property is approximately 0.30 acres in size and located adjacent to the Mickelson Trail on the north side of US Highway 16 approximately three miles south of Hill City, South Dakota, and is very suitable for use in conjunction with the operation of the Mickelson Trail; and

Whereas, pursuant to the authority granted it by SDCL 41-2-19, GFP desires to accept the transfer of title to said real property for purposes of public recreational use in conjunction with the operation of the Mickelson Trail; and

Whereas, the Commission having reviewed this matter and having determined that it is in the best interests of both GFP and the public to approve said transfer and to authorize and direct GFP to accept the transfer of said property from DOT for purposes of public recreational use in conjunction with the Mickelson Trail.

NOW, THEREFORE, BE IT RESOLVED, that the Game, Fish, and Parks Commission does hereby approve the transfer to GFP of title to the above described real estate, and further, does hereby authorize and direct GFP to accept said transfer from DOT.

BE IT FURTHER RESOLVED that the Commission approves GFP's designation of the use of said real property for public recreational purposes in conjunction with the operation of the Mickelson Trail and does hereby expressly designate and classify the use of above described real property for public recreational purposes.

Appendix B
**FIRST AMENDMENT TO CONCESSION AGREEMENT
DOCK 44 AND MARINA**

This FIRST AMENDMENT TO CONCESSION AGREEMENT between the South Dakota Department of Game, Fish, and Parks (“Department”) 523 East Capitol, Pierre, South Dakota, 57501 and Linda Dahl, (“Concessionaire”) 640 St. Joe, Spearfish, South Dakota, 57783.

WHEREAS, the Department entered into a concession agreement on the 15th day of February, 2008, to facilitate the private operation of Dock 44 located at Snake Creek Recreation Area, hereinafter referred to as the “Resort”; and

WHEREAS, The Concessionaire desires to provide video lottery to the existing services offered at Dock 44; and

WHEREAS, The Concession Agreement does not authorize video lottery at Dock 44; and

WHEREAS, the Department and Concessionaire desire to authorize video lottery and set forth all terms and conditions thereof.

IT IS THEREFORE AGREED that the Concession Agreement dated February 15, 2008, between Department and the Concessionaire is amended as follows:

1. To authorize video lottery within the Resort, Section 3(b) “Additional Authorized Accommodations, Facilities and Services”, subsection 10 shall be added as follows:
 10. Video Lottery in Department approved locations only
2. To define and make final video lottery proceeds subject to all fee and reserve requirements of the Concession Agreement, Section 2(j) is amended as follows:
 - (j) “Gross Receipts” means all revenue received, to be received, or realized by Concessionaire from all sales for cash or credit, of services, accommodations, materials and other merchandise made pursuant to the rights granted under this Agreement, Gross Receipts of SubConcessionaires, commissions earned on leases or agreements with other persons or companies operating in the Resort, and revenue earned from sales through electronic media, mail order or otherwise. Concessionaire shall report all of its revenues to the Department without allowances, exclusions, or deductions of any kind. For purposes of calculating franchise fees and other fees and reserve amounts identified in this agreement, gasoline sales, hunting and fishing license sales (not

including agent fees), and park entrance license sales will be excluded from Gross Receipts. Gross Receipts from video lottery subject to fee and reserve amounts shall be limited to proceeds after payouts and minus Concessionaire's remittance to the South Dakota Lottery Commission.

3. Video Lottery machines must be enclosed and separated from other concession services and managed so as to not conflict or distract with the experience of other patrons to the concession or Snake Creek Recreation Area. Any building modifications required for Video Lottery shall be at the expense of the Concessionaire and are subject to Department approval. Any restoration requirements of the Concessionaire shall be determined prior to construction.
4. Except as modified by this First Amendment to Concession Lease Agreement, all other terms and conditions of the Concession Lease Agreement dated February 15, 2008, shall continue to remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have executed this First Amendment to Concession Agreement on this _____ Day of _____, 2013

SOUTH DAKOTA DEPARTMENT OF GAME, FISH AND PARKS

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

CONCESSIONAIRE

BY: _____ DATE: _____
Linda Dahl

Public Hearing Minutes of the Game, Fish, and Parks Commission
April 4, 2013

Public Hearing Officer Chuck Schlueter began the hearing at 2:02 PM in the Conference Center at the Holiday Inn Express in Winner, South Dakota. Schlueter stated the items listed under Finalizations on the Commission Agenda were open for public comment and he would read written comments with oral testimony following. Those attending the hearing are to approach the microphone, state their name, provide their name and city on the sign-in sheet, and keep comments to three minutes.

Sheps Canyon Lodge Fee

No oral or written comments were received.

Custer State Park Non-Trophy and Trophy Bison Hunting Seasons

George Clements of Afton, MN, emailed: "I have read the proposed changes for both trophy and non-trophy bison hunt in South Dakota. The proposed changes are fine with me. Of course, I wish the prices did not increase but I understand the market pricing. Earlier I had expressed an opinion with others that accumulating preference points would certainly make hunt planning much easier. Being limited in vacation it is important to have a good idea if a hunt is going to occur. If someone sets aside a week for this hunt, and the hunt does not occur, then there could readily be times when one scrambles to use this vacation by the end of the year. If the hunt does happen, and I wish to hunt again in the future, I could apply for preference points and make plans with certainty on a future date. I would also like to ask that the drawing occur earlier in the year, again for the sake of proper planning."

Mike Schrage of Duluth, MN, emailed: "I was hoping when I first saw this email notice that the proposal would include increased opportunities for non-trophy hunts at CSP. I was disappointed to see fewer permits proposed for non-residents and dramatic jump in prices. The proposal to change the preference system to allow more points for repeat applicants is good. It creates more predictability for when an applicant might be drawn. I would hope the Game, Fish, and Parks Commission could see fit to minimize the price increases proposed for non-trophy hunting and consider ways to expand the total number of permits available. Raising the price for a cow permit from \$1000 to \$1750 makes it much less likely I can afford to make a trip like this. Certainly it would impact how much time I could spend in the area."

Boyd Schulz of Brookings, SD, emailed: "I would like to express my thoughts regarding the Custer State Parks Buffalo Hunt. I have been fortunate enough to draw a non trophy buffalo license in the past...I believe you should consider that this hunt, although somewhat nontraditional, is important to the residents of SD and residents should get preference in the license allocation process. Nonresident licenses should be allocated as a very small percentage of the total, if at all. There are plenty of places nonresident can shoot a buffalo if they want to shoot a buffalo but the majority, or all, of the opportunity to hunt Custer State Park Buffalo should be left to the residents of SD."

Cory Christiansen of Osseo, MN, emailed: "Regarding # 5 proposed amendment, I support the application accrual. I have been applying for the past two years and will continue to apply but it would be nice to know that eventually I will get the opportunity to hunt without relying on luck."

Dan Silvers of Toledo, OH, emailed: "I can understand giving residents a better chance at gaining tags, but seeing as how the bison hunts are the only hunts available to individuals outside of SD, I don't think resident preference should be given. When I hunted out there in 2010, I brought my wife and made it a 5-day vacation, which boosts your local economy. Having someone from SD drive over, shoot a bison, and leave the same day does little to nothing to gain tourism dollars for you in Custer."

James Fuller of Dryden, MI, emailed: "I can understand giving residents a better chance at gaining tags, but seeing as how the bison hunts are the only hunts available to individuals outside of SD, I don't think resident preference should be given. When I hunted out there in 2010, I brought my wife and made it a 5-day vacation, which boosts your local economy. Having someone from SD drive over, shoot a bison, and leave the same day does little to nothing to gain tourism dollars for you in Custer."

I am a non-resident and I would also like to see a couple of the other Custer State Park Hunts opened up for all Americans to enjoy. Even if it is only for a small percentage of tags like 1 or 2 percent. It surprises me that your state would allow Bison to be hunted by an out of stater but not your elk and deer. I am from Michigan and our state does not charge an absorbent price for non-resident licenses. The only hunt in our state that is not open to non-residents is our Elk hunt because of the size of the herd and we only give out about 120 tags. If this is the case then I completely understand. Thank you for hearing my opinions and I hope I am lucky enough to draw the non-trophy bull tag in the near future."

Lane Wilson of Ozark, AR, emailed: "I would like to enter my comments opposing the changes to the Trophy and Non-trophy Bison hunts except that I do support the accumulation of preference points. I have taken both of my sons to participate in the Non-trophy Bull hunts. We really enjoyed the experience with Chad Kremer and the other Park staff. If the price goes up further it will limit the number of young people that can participate in the experience. I am afraid that it will make the recruitment of new hunters into the sport more difficult. Hunting seems to be trending towards a rich man's sport too much as it is. As to reserving a number of the hunts for residents, I don't think that a relatively small percentage as in the Trophy Bull changes are a problem, but I think that the percentage proposed for the Non-trophy hunts is much too high. As non-residents coming into the area we spent a significant amount patronizing hotels and restaurants in both Rapid City and Custer as well as restaurants in Deadwood and Hot Springs. We also used a taxidermist locally in Custer to do the shoulder mounts and a meat processor in Hot Springs to butcher the meat. I hope that you will take these things in consideration and will not severely limit these opportunities for young people and for those of us from outside of your beautiful state."

Dan Goede of Sioux Falls, SD, emailed: "In October of 2012, I was fortunate to harvest a non-trophy bull, with Chad Kremer as my guide. His expertise and

information on Bison and herd management made the hunt extremely enjoyable. As a SD resident, my input would be to suggest having a fee schedule that is tiered to resident/non-resident hunters. Having hunted large game in other states, my experience has always been that the cost for out of state hunters always is significantly higher. Generating more revenue from out of state license fees, could serve CSP bison program well. Also, the number of tags allocated to resident hunters only, seems to me, to be quite minimal. I would suggest at least an equal representation of resident to non-resident hunters.”

No oral testimony was received.

Elk Hunting Seasons

Martin Luebke of Garreson, SD, emailed: “Thanks for the opportunity to provide some input on SD Elk Season. Even with new count, I'm still concerned about elk numbers. If others are too, why not lower or eliminate the number of "cow only" tags? You did it in CSP and so could it be done for all units including archery? I see RMEF gets 1 CSP any elk tag and thousands of other applicants get to compete for 4. (Have purchased life memberships for RMEF so agree they are good group.) Wonder would it hurt the CSP elk population if archery bull tags were allowed? For that matter, if there could be more rifle bull tags, wouldn't there still be enough bulls to breed? Thanks for continuing to reduce the lion population --in my opinion that can only help. Also moving some elk from Wind Cave to CSP was a no brainer and great move. Thanks for helping return SD the great hunting state it has been.”

Aaron Thompson of Spearfish, SD, wrote, “As a rancher and an individual who cares about his home, I oppose this proposed reduction in tags. It should not need to be stated that the area in questions is in a horrible drought. Every single grazing permittee on the National Forest will cut his numbers this year, either of his own volition or at the directive of the Forest Service, but numbers will be cut. At this time I intended to stock 75% of my allotted number of cattle and will cut more if conditions warrant at the time of turnout. The reduction of elk tags should not be adopted and numbers should be increased in order to bring the elk heard in the Black Hills in line with available forage resources.”

Don Hausle of Rapid City, SD, emailed: “Since the recent GF&P Elk Survey showed about 6,000 head, I certainly hope you will authorize a lot more tags than were proposed. The Forest Service Management Plan calls for 4,500 which includes the Wyoming side of the Black Hills. Since our ranch is in unit H1, I hope the Commission will set the number at a 20% - 25% higher level than proposed to reduce summer forage loss and loss of hay which is very expensive. Heavy elk use on our place (Salmon Ranch) was verified by G,F&P Conservation Officers last fall. I estimate forage loss (conservatively) at \$2,300 (20 hd for 60 days). In addition, elk have eaten and damaged a significant amount of hay this winter on a neighboring ranch where our cattle are wintered. My neighbor called, but his call was not returned for over a month. He was finally informed that he should put up a stack yard or panels and purchase the supplies himself, then G,F&P would share the cost at 50%. This is NOT acceptable. Would you be willing to take a loss on your business or ranch/farm operation due to wildlife entering your private land and taking/destroying your feedstocks? Landowners should not be expected to pay for

these losses. We host the public's wildlife as it is, but we shouldn't have to lose money. Most of us like wildlife, but do not want to put our Ag operations at risk because of it. As you all know, we have been in severe drought conditions which may continue so forage and hay costs are at record levels. Since our acreage is not large enough, we cannot get a landowner tag, nor is there a hardship provision, but the loss of hay and forage dwarfs the value of the elk tag.”

Doug Boer of Madison, SD, emailed: “Hello folks, in quickly viewing the elk license numbers it looks like project # 1 should be getting back the licensed numbers as in 08 of 1675 vs. 570 currently, or has it been determined that the hills can’t support such numbers.”

Mike Jarding of Hot Springs, SD, emailed: “Concerns on how SDGF&P are managing the BH elk. Last commission meeting John Kanta said overall success was around 50%, and most western states would be thrilled about 50% success. In a general unit maybe. This is an average 10 year wait to get a tag in SD. I think hunters want a better percent than 50%. Talking to GF&P they told me 70% of the bulls were shot 4 years and younger. Most hunters don’t want to wait 10 years to shoot a rag horn bull. Only 8 elk were moved from Wind Cave to unit 3. Unit 3 had a 38% harvest on cows last year, the lowest ever. They are still proposing to have a cow only late season. GF&P also stated they had a 1:1 bull/cow ratio in unit 3. If you hunted or spent any time in the woods you would easily know it is very far from 1:1. GF&P closed two units and two CSP hunting seasons due to over harvest that GF&P issued too many tags, taking dream hunts from South Dakota hunters. The elk management needs to change.”

No oral testimony was received.

The Public Hearing concluded at 2:19 PM.

Respectfully submitted,

Jeffrey R. Vonk, Department Secretary