

Minutes of the Game, Fish, and Parks Commission  
October 6-7, 2016

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

## **DIVISION OF ADMINISTRATION**

### **Conflict of Interest Disclosure**

Chairperson Peterson called for conflicts of interest to be disclosed. None were presented.

### **Approval of Minutes**

Chairperson Peterson called for any additions or corrections to the August 4-5, 2016, minutes or a motion for approval.

Motion by G. Jensen with second by Boyd TO APPROVE THE MINUTES OF THE AUGUST 4-5, 2016, MEETING WITH MINOR REVISIONS. Motion carried unanimously.

### **Additional Commissioner Salary Days**

Spies requested 3 additional salary days (2 Watertown Bldg. Committee, 1 Deer Stakeholder Mtg.), Dennert requested 1 additional salary day (Blue Dog Fish Hatchery Committee), Boyd requested 1 day (Butterfly House Bldg. Committee), and Phillips requested 1 day (Deer Stakeholder Mtg.).

Motion by G. Jensen with second by Boyd TO APPROVE THE ADDITIONAL SALARY DAYS AS REQUESTED. Motion carried unanimously.

### **License List Requests**

Chris Petersen, Administration Division Director stated that no new license list requested have been received and that the new process to issue repeat request for the same lists from the same entities has been working eliminating the need to bring these requests before the commission for action.

### **Strategic Planning**

Sue Konstant, PACE Strategic Development provide a powerpoint on the GFP strategic plan indicating the progress and updates. She outline of pledge of GFP to fulfill its mission reiterating the foundation and purpose of the plan and expectation of customers. Secretary Hepler spoke to staff rollout and stakeholders. He indicated 86 percent of staff attends these meetings in which discussion was held on how their feedback in the focus group session will lead to strategy development and helping them to truly find a place within the plan. The plan will be distributed in the spring as strategies are finalized. Hepler provide an overview of the stakeholder meetings indicating over 300 were invited to attend from across the state with 100 participating. Common strategies were resulted from these meetings specifically: youth activities,

collaboration among public and private partners, managing park development, enhance opportunities for other recreational interests, increase citizen awareness and identifying new sources of revenue. He noted the Department will continue to report to the legislative planning committee reporting out on 3 final measurable: hunting, fishing, camping.

### **Public Hearing**

The Public Hearing began at 2:00 p.m. and concluded at 2:35 p.m. and the minutes follow these minutes.

### **OPEN FORUM**

#### **Open Forum - Petition**

Bill Koupal, SD Waterfowl Association thanked Commission for work in 2014 for doing the research and putting together information from water fowlers in the state to not move any licenses away from the Missouri River unit.

George Vandel, Vice President SD Waterfowl Association recognizes nonresident waterfowl license allocations are a controversial issue that has been around for a long time. Vandel stated the compromised that was done in the past to trade the 3 day licenses for water access in the lower oahe worked great. Landowners provide access and sportsman provided 3 day licenses to commercial operators and it worked great. The problem is others got involved and siphoned away permits. Fearful that these license jeopardize access agreements. The statute was fairly specific as a result of the compromise that any increase in permits needs to accompany an increase in access. Concern is that these licenses are allocated without an increase in access. Statute is also clear that you can only increase it by so much each year. Are we bound by these rules and laws or we are not. Someone needs to be held responsible. No animosity towards the Commission and we have a wonderful system of Fish and Wildlife. Someone has to be willing to say these licenses violate the statute and wants the Commission to take emergency rule action to eliminate tags.

Koupal asked were the accountability lies if there is a conflict between the rules and the statute then the commission needs to make the necessary decision.

Commissioner G. Jensen asked if the petitioners are requesting the Commission revoke what the legislature did and the Governor passed.

Vandel said the statute says the Commission cannot issues tags without additional access and additional access has not been added.

Koupal agrees with Vandel stating statute supersedes a rules.

Commissioner Peterson asking Attorney Dick Neill if the Commission has any legal authority.

Neill asking Vandel if they are asking the Commission to rescind a legislative action.

Vandel responded they are asking the Commission to rescind the permits the legislature issued.

Neill stated the Commission issued the permits at direction of legislature through HB1075 (2016) which is presumptively valid and constitutional and bound to honor legislative direction until such time if any circumstances change. This developed a new standard requiring a change in circumstances for an action to be taken. Statute 41-6-18.4 places restriction on ability to action as a commission not on the authority of the legislature to act. The legislature chose to amend rule and the Commission does not have the authority in Dick's opinion to overrule an act of the legislature. The Commission does not have authority unless in a court of law or by the legislature itself or let things play out and then, if determine a change is required meeting the criteria in statute 41-6-18.4 then it can be changed.

Commissioner G. Jensen noted the issue is complicated because the legislature changed an administrative rule instead of passing a statute making it difficult to interpret. The Commission always tries to make decisions based on valid criteria and facts and would request these specifics when future petitions are submitted.

Vandel is working on this and agree the number of resident waterfowl hunters has declined for a lot of reasons. Surveys show loss of opportunity is one of those reasons. Concern is if you increase the number of nonresidents and not increase opportunities then can work with staff to create opportunity. Optimistically you will see a grown in the number of resident water fowlers which is an important component. Increasing the number of nonresidents does not do anything positive for residents and will decreases the number of residents. Need to tie the number of resident and nonresident hunters. We think this is important and will keep looking at our options do not want to look at a legal option and want to work with the Commission. Looking for future hunters will be going to the legislature and Commission again. SD waterfowl association was formed in 2012 and consists of approximately 500 members.

Koupal explained this is not just about us but future generations of waterfowl hunters. Will present reasonable proposal to the legislature and Commission in the future.

Commissioner Dennert: Looked at quite a few land purchase in the northeast and two specifically had a lot of water on them and is curious how much land has been purchase for GPA's and how much since 2002. The legislature did not increase any hunting permits and neither did the Commission other than offering 100 youth licenses, just spread the licenses around to more areas to hunt. Would like to move around some of the licenses from Spink County, but not at this time.

Dick Werner, Mobridge, SD, worked hard to get HB1185 passed and amended to include a provision for the 5 percent leeway. Commended the Commission on the increase for youth permits to promote the sport. Also sponsored HB1075 and did so as an administrative rule instead of statute leaving it in the hands of the Commission.

Recommendation is to let the season play out and noted it did not expand licenses only the area. Hopes these licenses will help the local communities, increase revenue and pay for access.

Commissioner G. Jensen made the same request to develop criteria for recommendations on the next round of decisions.

Commissioner Peterson stated there are two sides to every issues and the Commission has been given the authority to increase licenses by the legislature. The Commission also listened to the public and did not make the 5 percent increases. We need to find a compromise instead of readdressing the issues every few months. Need to be utilizing the management plans and not everyone's time.

Division Director Tony Leif said this is an important issue to a lot of people in the state. Staff have provided an overview of licenses issued in the past and responsibility falls on the Department to issue licenses once the Commission takes action. The Commission did not promulgate rules on this issue. Further explained the process and statutory requirements.

#### **Open Forum - General:**

Dylan Deuter, Big Game Coalition, Ree Hights, SD asked what his organization needs to do to be invited to stakeholder meetings. Wants to know if there is a criteria. Noticed significant EHD die offs and wants to know if there are plans in place like pulling leftover buck or doe tags or refunds. Would there be a push to end the season January 1 and not have the late doe season? Also thinks shed hunting is a bigger deal than the Commission thinks it is. Maybe only allow for residents due to enforcement issues or possibly make a season and issue permits.

Commissioner Peterson noted an EHD update will be provided during the meeting.

Rick Cane, Mobridge, SD, Thanked the Commission for coming to Mobridge. Spoke in support salmon snagging noting that after the first week in October they are not productive and difficult to catch other than snagging. They are good for consumption when smoked.

Doug Brockhouse, Minnehaha County Search and Rescue Dive Team, Sioux Falls, SD. Thank you to GFP staff who helped with search and recoveries. GFP staff are good to work with, are good divers and do a good job utilizing equipment.

Ty Gerbrought, Owner of Forest Recreation Management, Hill City, SD, Concessionaire in Black Hills for campgrounds in proposed land exchange. Told that contracts will be honored and have not been contacted in anyway. Want to discuss reasons given for the land exchange and how to handle them. Is the plan to honor permits and how will that look?

Secretary Hepler explained the Department will honor contracts with value added. Parks Director Ceroll or Custer State Park staff will be in touch to schedule a meeting to discuss these questions.

## **PETITION FOR RULE CHANGE**

### **Amend Rules Pertaining to Nonresident Waterfowl License Allocations**

George Vandel, Vice President South Dakota Waterfowl Association and Chris Hesla, Executive Director South Dakota Wildlife Federation submitted a petition to amend rules 41:06:16:11 specifically requesting the Commission take emergency rule action to invalidate three day nonresident waterfowl license in unit NRW-00X (Campbell, Edmunds, Faulk, McPherson and Walworth counties) on both private and public land and the rescind the 500 temporary three day licenses in NRW-00Y.

Chairman Peterson outlined the options for Commission action on petitions then requested input from the Commission. It was noted that this petition would require the Commission to rescind a legislative action HB1075 (2016) which issued waterfowl licenses.

Per the request of the Chairman Director Leif presented a resolution outlining reasons for denial of the petition for the Commissions consideration

Motioned by Dennert with second by G. Jensen TO ADOPT RESOLUTION 16-14 AS PRESENTED (Appendix D). Motion carried unanimously

## **PROPOSALS**

### **Spring Turkey Hunting Season**

Chad Lehman presented a powerpoint presentation with information from the management plan indicating population status, harvest strategies (such as aligning spring and fall boundaries for units) percentage thresholds, provided vital rates specifically clutch and hatch rates and matrix projection models for each of the four regions.

Assistant Director Tom Kirschenmann presented the proposed season dates, requirements and restrictions as well as the recommended changes from the previous year as specified below.

1. Offer residents 52 less one-tag "male turkey" licenses and 600 less two-tag "male turkey" licenses for the Prairie Units than 2016 for an overall decrease of 1,252 tags. Offer nonresidents 6 more one-tag "male turkey" licenses and 42 less two-tag "male turkey" licenses for the Prairie Units than 2016 for an overall decrease of 78 tags.
2. Make adjustments to the Black Hills and Unit 49A (Meade County) unit boundaries as outlined in the South Dakota Wild Turkey Management Plan, 2016-2020 (see attached maps).
3. Offer 10 more archery turkey access permits for Adams Homestead and Nature Preserve than 2015 for a total of 20 access permits.
4. remove the language in administrative rule depicting the license type and number of licenses from each hunting unit.

Motioned by Phillips with second by Spies TO APPROVE THE SPRING TURKEY HUNTING SEASON AS PROPOSED. Motion carried unanimously

Kirschenmann explained this administrative action is to accept the license types and number of licenses for each turkey hunting unit. These allocations will be placed in the official Commission meeting minutes. This is in response to the standard approach of removing license type and numbers from administrative rule, as described and proposed as the #4 rule change outlined in the spring turkey season proposal. Kirschenmann asked the Commission to accept these license allocations via Administrative action.

Motioned by Dennert with second by B. Jensen TO APPROVE THE SPRING TURKEY HUNTING SEASON ADMINISTRATIVE ACTION AS PROPOSED. Motion carried unanimously

Kirschenmann presented the recommendation of no changes to the Custer State Park Spring Turkey hunting season that would be for two years.

### **Removal of Shed Antlers on Department Lands**

Kirschenmann presented the recommendation to amend current administrative rule to allow for the removal of shed antlers from state owned lands. He explained that this would allow shed hunting on GPA's and indicated the Forest Service allows this activity on their land as does School and Public Lands.

Motioned by Phillips with second by Dennert TO ALLOW THE REMOVAL OF SHED ANTLERS FROM STATE OWNED LANDS. Motion carried unanimously.

### **Fish Possession Restrictions While Fishing**

Mike Klosowski, Regional Conservation Officer Supervisor presented the Departments recommendations to add language to rules allowing legally caught fish as specified below.

1. Add language that would allow ice anglers to keep a legally caught possession limit of fish while on the ice.
2. Add language that would allow ice anglers to clean fish species, while on the ice, that do not have water-specific size restrictions.
3. Add language that dictates fish possessed on the ice must adhere to the transportation rule that requires fish to be readily countable.

Motioned by G. Jensen with second by Boyd TO APPROVE THE PROPOSAL TO ALLOW ANGLERS TO POSSESS MORE THAN ONE DAY'S LIMIT WHILE ON THE ICE. Motion carried unanimously.

### **Aquatic Invasive Species**

Fisheries Chief John Lott presented the recommendation to modify rules on aquatic invasive species as specified below.

1. Add Red Swamp Crayfish to the list of invertebrate aquatic invasive species.
2. Allow for the transport of aquatic invasive species by:
  - a. An employee of a business that has been approved by the department to transport a boat or motorboat to a facility for the purposes of aquatic invasive species removal.

- b. A person that has been authorized by the Department to transport their own watercraft to a Department-approved facility for immediate decontamination.
- 3. Remove the exception in the current rule that allows all drain plugs, bailers or valves in trailered boats to be closed or remain in place during transport from a boat ramp parking area to an immediately-adjacent fish cleaning station.
- 4. Remove the exception in the current rule that allows fish or aquatic bait to be transported in water obtained from a lake, river, or stream from a boat ramp parking area to an immediately-adjacent fish cleaning station.

Motioned by Spies with second by Phillips TO APPROVE THE PROPOSAL TO MODIFY ACQUATIC INVASIVE SPECIES RULES AS PRESENTED. Motion carried unanimously.

## FINALIZATIONS

### Fishing Limits, Seasons, and Regulations

Program Administrator Geno Adams presented recommended changes to allow the use and possession of baitfish and noncommercial taking of bait in Black Hills Fish Management Area to improve law enforcement and fisheries management.

- 1. Modify **41:07:01:03. "Baitfish use restricted."** To allow for baitfish use within the Black Hills Fish Management Area.
- 2. Modify **41:09:04:03. "Waters closed to taking of bait."** to allow non-commercial take of bait in the Black Hills Fish Management Area.
- 3. Repeal **41:07:01:15. "High-grading of fish prohibited on South Dakota-Minnesota boundary waters."** to remove high-grading restrictions specific to SD/MN border waters and replace them with the SD inland water regulations.
- 4. Modify **41:07:03:03. "Daily, possession, and length limit restrictions on special management waters -- Additional restrictions described."** to:
  - a) remove 15 inch minimum size restrictions for black bass (largemouth and smallmouth bass) on Carthage, Dimock, Vermillion, Hanson and Staum Lakes,
  - b) remove 14 to 18 inch protected slot limit for black bass on Enemy Swim and Pickerel Lakes and
  - c) remove the 15 inch minimum size restriction for walleye and the 14 to 18 inch protected slot limit for black bass from Campbell Slough.

Motioned by G. Jensen with second by Dennert TO FINALIZE CHANGES THE CHANGES TO THE FISHING LIMITS, SEASONS AND REGULATIONS AS PROPOSED. Motion carried unanimously.

Adams presented the recommended changes to allow snagging of salmon on Lake Oahe in October and November, and clarify the hours which snagging paddlefish can occur on portion of the Big Sioux River.

Motioned by Boyd with second by G. Jensen TO FINALIZE CHANGES TO THE SNAGGING OF SALMON AND PADDLEFISH 41:07:04 AND 41:07:05 AS PROPOSED. Motion carried unanimously.

### Fishing Tournaments

Lott revisited the recommendation to establish an application fee for fishing tournaments to provide compensation to the Department for the added staff time

associated with fishing tournaments. Lott indicated that during the public comment period it became evident that the proposed fees for smaller events were considered excessive and not in line with staff resource expenditures. In addition it would be difficult to address tournament permitting needs of weekly fishing leagues, club tournaments and non-profit events. Therefore, the Department recommends not adopting the fishing tournament fees as originally proposed.

Motioned by Spies with second by Boyd TO APPROVE THE FINALIATION AS MODIFIED FROM THE PROPOSAL TO NOT ADOPT FISHING TOURNAMENT FEES. Motion carried unanimously.

### **Fish Health Inspections**

Lott presented recommended changes to allow fish health inspections to be conducted according to the World Animal Health Organization allowing state hatcheries, fisheries managers, the bait and private aquaculture industries and importers of fish flexibility in available sampling protocols and allow them to use the method of inspection that best fits their situation while still protecting the fisheries of South Dakota.

Motioned by G. Jensen with second by Phillips TO FINALIZE CHANGES FISH HEALTH INSPECTIONS 41:09:07, 41:09:08 AS PROPOSED... Motion carried unanimously.

### **Game Fish Spearing and Archery**

Lott presented proposed changes to allow more opportunity to people that spear and use bow and arrow to take game fish.

Recommended changes include:

1. Lengthening the spearing/archery season for game fish (except paddlefish and sturgeon) in inland waters open to game fish spearing from current dates of June 15 through March 15 to May 1 through March 31, inclusive.
2. Changing hours from sunrise to sunset to ½ hour before sunrise to sunset.
3. Adding crossbows as a legal method of take for game fish on inland and border waters.
4. Opening all inland waters (including rivers and streams during open seasons), except those managed for muskies or closed elsewhere in administrative rule, to take of catfish and northern pike during established season dates.
5. Closing Middle Lynn Lake to the spearing of catfish and northern pike due to it being a newly-stocked muskie water.
6. Opening Waubay and Bitter Lakes in Day County, Swan and Dry #2 Lakes in Clark County, Albert, Henry, Thompson, and Whitewood Lakes in Kingsbury County, to spearing of all game fish except paddlefish and sturgeon during established season dates.

Lott further addressed questions on the need for the license stating it allows for the tracking of user numbers and information for future surveys

Motioned by Boyd with second by Dennert TO FINALIZE CHANGES TO GAME FISH SPEARING 41:07:06 AS PRESENTED. Roll call vote: Boyd-yes; Dennert-yes; B. Jensen-yes; G. Jensen-yes; Phillips-no; Spies-no; Peterson-yes. Motion carries with 5 yes votes and 2 no votes.

## **Fisheries Management Authorization**

Lott presented recommendation to create a new rule that would provide authorization for landowners to perform fisheries management activities on created, man-made impoundments on land they own or operate.

Activities allowed would include:

1. the use of special sampling equipment including nets, seines, and electrofishing equipment
2. stocking permitted species of fish
3. chemical control of vegetation
4. fish removal beyond the allowance of applicable fish limits
5. allowance for an agent, contractor, or employee to conduct fisheries management activities

Requirements would include:

1. the landowner control all the land surrounding the created impoundment by ownership, easement, or lease
2. involvement of a Conservation Officer whenever live fish are transported off the property
3. notification of a Conservation Officer whenever fish in excess of applicable limits are transported

Motioned by Dennert with second by Phillips TO FINALIZE CHANGES TO ESTABLISH RULES IN REGARDS TO PRIVATE HATCHERIES 41:07:01 AS PROPOSED. Motion carried unanimously.

## **Elk Depredation Permits**

Program Manager Keith Fisk and Kirschenmann presented changes to modify the process which elk depredation hunts are administered and combine these processes with other big game depredation hunt registration and selection processes including establishment of the elk permit fee of \$20.

Motioned by B. Jensen with second by G. Jensen TO FINALIZE CHANGE TO THE DEPREDATION PERMITS 41:06:46 AS PROPOSED. Motion carried unanimously.

Fisk and Kirschenmann and Fisk presented proposal to repeal the entire chapter on elk depredation permits and combine applicable elements with the depredation hunt chapter

Motioned by Dennert with second by G. Jensen TO FINALIZE THE PROPOSED CHANGE TO ELIMINATE THE ELK DPREDATION CHAPTER 41:06:52. Motion carried unanimously.

## **DIVISION OF PARKS AND RECREATION**

### **Good Earth State Park Land Acquisition**

Division Director Katie Ceroll provided information on the acquisition of Track 2 from the SD Parks and Wildlife Foundation for \$392,250 which is 75 percent of the appraised value. This parcel of land consists of 12.45 forested acres to be utilized as an addition to and for the development of Good Earth State Park.

Motioned by Spies with second by Dennert TO APPROVE THE PURCHASE OF TRACT 2 PER RESOLUTION 16-11 (Appendix A) Motion carried unanimously.

### **Fort Randall Marina**

Concessions Manager Sean Blanchette and Fort Randall Marina President Sheldon Malcom provided a brief history of the operations noting the 2012 amendment to the original lease agreement granting an extension of the lease in exchange for the conversion of individually owned private use slips to Marina owned and seasonal rental slips. The next phase of the plan presented today for approval by the Commission, per administrative rule, is the formal change of Fort Randall Marina's corporate status from non-profit to for profit and issue shares of stock in the newly formed business corporation to its investors to facilitate the conversion of additional doc slips to marina ownership.

Motioned by Spies with second by B.Jensen TO APPROVE THE CHANGE TO FOR PROFIT CORPORATE STATUS PER RESOLUTION 16-12 (Appendix B) Motion carried unanimously.

### **Bureau of Reclamation Angostura/Shadehill Market Rent Appraisal Results and Permit Rate Increase**

Blanchette and Joel Hall with the Bureau of Reclamation (BOR) updated the Commission on the market rent survey conducted by BOR in 2015 at Angostura and Shadehill indicating that all private exclusive use cabins and trailers be charged fair market value per BOR policy. The last appraisal was in 1988 and the department has proposed and the Commission has approved rate increase each year since that time based on the consumer price index. The recent rate increases due to the 2015 survey will be \$435 to \$2,100 at Shadehill and \$835 to \$2,400 for cabins and \$2,110 to \$2,700 for trailers at Angostura. GFP worked with BOR on a three year phase in of these new rates. Since the briefing to the Commission last March GFP staff have conducted public meetings for the affected permit holders discussing their concern, the requirement to implement these rates, their ability to conduct a private survey and challenge the rates and what these extra revenues may be used for. Blanchette stated proposal to implement the rate increase will be brought before the Commission in November and if approved there will no longer be a need for annual rate adjustments until BOR conducts another appraisal.

### **George S. Mickelson Trail – Mount Rushmore Connector Trail Environmental Impact Statement Update**

Assistant Director Al Nedved provided history on the project indicating the concept for the trail was developed through the George S. Mickelson Trail to Mount Rushmore National Memorial Connector Trail Feasibility Study in 2012. The Environmental Impact Statement (EIS) will move the connector route vision forward by further analyzing the route provided in the Special Use Permit application. Nedved stated we are only in the first phase of the project with the next step being data collection and scoping meetings were held in June to allow for an open process involving the public, local, state and federal agencies to identify major and important issues for consideration and narrow the focus of the study.

### **Big Stone Island Lot Land Acquisition**

Nedved provided an update on the possible acquisition of a half lot on Big Stone Island in Roberts County for \$1,000. A local realtor verified the price and staff are currently following up to confirm the title is clear. Nedved noted that 2.5 lots are still in private ownership with GFP owning the remaining lots.

### **Indoor Fish Cleaning Station at Indian Creek**

Park Manager Dan Richards provided an overview of the indoor fish cleaning station that was installed at Indian Creek State Park. Richards detailed the work done by staff to meet the need of customers and account for the environment. He noted the cleaning station contains an oversized grinder, LED lighting, 4 exhaust fans, insect control, heated floors, garage heater, air conditioning and indoor pressure washer. Also present was Jesse Konold with the Mobridge Tourism Committee to acknowledge the donations received for the station and the partnership with GFP.

### **Parks Revenue, Camping and Visitation Reports**

Assistant Director Bob Schneider provided the year to date comparison of parks revenue indicating it has been another good year. He stated revenue is up 8 percent even with the decrease in bike and rally bands which is likely due to last year being the 50<sup>th</sup> anniversary of the rally. Schneider indicated camper units are up 4 percent without the addition of new facilities and total visitation is up 3 percent to date.

## **DIVISION OF WILDLIFE**

### **Big Game Depredation Resolution**

Kirschenmann and Fisk presented the Commission Draft Resolution 16-13 (Appendix C) allowing the Commission to authorize the Department Secretary to issue a specific number of depredation permits in response to property damage by game animals that cannot be resolved by any other method. Permits would be available for the remainder of 2016 and in 2017. The authorization would make available no more than 600 permits (plus an additional 200 landowner/operator permits) per year to address deer, antelope, and turkey depredation issues and no more than 100 elk depredation permits per year. Depredation permits are issued on a case by case scenario.

### **Resident Canada Goose Management Plan**

Kirschenmann provided a brief overview of the plan that was provided to the Commission at the August meeting. He noted the Department had received final survey data from US Fish and Wildlife Services and updated tables in plan.

Motioned by G. Jensen, second by Dennert TO APPROVE THE RESIDENT CANADA GOOSE MANAGEMENT PLAN. Motion carried unanimously.

### **Resolution in Support of Recovering America's Wildlife Act**

Kirschenmann presented the Commission Resolution 16-15 (Appendix E) in support of recovering America's wildlife act. He explained the recent Blue Ribbon Panel recommends a new funding mechanism be established for state fish and wildlife

conservation and management for current and future generations. He further noted this would provide resources to take a proactive approach for animals that are potentially endangered.

### **Aquatic Invasive Species Operational Activities Report**

Regional Supervisor Mark Ohm and Lott provided the Commission a handout on Aquatic Invasive Species (AIS) enforcement efforts. Ohm indicated it appears to be the same people ignoring the rules time and again so the decisions was made to begin ticking opposed to just providing warnings. He noted the most common violation is people leaving plugs in their boats. In addition to issuing violations staff have continued the communications efforts including flyers on vehicles, road checks and lighted signs to get the word out. Ohm stated recreational boaters do not have the communication fisherman and compliance is not as good as it is with fisherman. Penalty is \$25 dollar fine with \$60 court fee as set by the court system as class 2 misdemeanor. We can request an increase in that fee if we think it may aid in compliance.

Lott provided information on a particular issue at Belle Fourche Reservoir explaining that the BOR asked GFP to work with their contractor on Decontamination of equipment that was used to dredge the water because AIS regulations prohibited the contractor from placing equipment on the reservoir until cleaned. Lott explained that this indicated the need for the Department to work with companies that provide services to decontaminate equipment to make sure they know what kills the zebra mussels such as water at 140 degrees, chlorine solution, and stronger chemicals that are hazardous. Lott also noted that there are other chemicals that can be put in the water to kill zebra mussels, but it happens over a period of time not immediately.

### **Salmon Spawning Update**

Bob Hanten, wildlife biologist provided the Commission a powerpoint on Chinook salmon spawning explaining they cannot reproduce naturally in Lake Oahe therefore, GFP staff operate the salmon spawning station to allow for continues stocking of salmon in the Lake. Hanten detailed how fish climb the ladder and are caught in the concrete runway. These fish are sorted into separate holding raceways for male, un-ripe (green) females and ripe females that are ready to spawn. This method reduces fish handling therefor an increased quality in eggs. It also provides GFP an education and outreach tool averaging 600 visitors each October during egg when schools visit. Hanten explained record size salmon were harvested recently because the salmon were able to follow the lake herring as a constant food source. The Commission scheduled time to visit the Whitlock Bay Salmon Spawning Station after the meeting concludes on Friday.

### **Walleye Stocking at Stockade and Sheridan Lakes**

Senior Wildlife Biologist Jake Davis provided an update on walleye management in the Black Hills fish management area. Davis indicated they received request for walleye in the Black Hills therefor staff began the process of taking public input, conducting a survey, identifying potential lakes and developing a proposal for creating walleye fisheries. He further detailed the survey results which indicate interest in creating walleye and trout-only fisheries and which reservoirs to include and exclude.

David included information on stocking plans and special regulations that would be need noted it will be unlikely to see high number of fish harvested.

### **Land Acquisition Project Review**

Paul Coughlin, Program Administrator provided the Commission with the current land acquisition and disposal report. Early development projects include the Smith Addition to the Helgeson GPA consisting of 2.2 acres of land in Clark County, the Schneiderhan Property consisting of 160 acres in Miner County to be used as a GPA, and the DOT Addition to Spring Creek GFA in Pennington County consisting of 4.86 acres. Also on the list is the Northwestern Engineering Property Addition to Outdoor Campus West located in Pennington County consisting of 13.22 acres that would be used for administrative facilities. All four projects are expected to close in December 2016 if approved by the Commission.

### **Mountain Lion Update**

Andy Lindbloom provided an update on mountain lions indicating harvest and nonharvest mortality for April 1 - March 31 indicating which ones were human caused. He also provided a season summary for 2005 – 2016 detailing licenses sold, season dates, harvest, and harvest limit by season. Lindbloom also provided specific harvest stats including methods: hounds and boots and DNA sampling population estimates.

### **Elk Herd Reduction Plan for Wind Cave National Park**

Arden Petersen, Special Assistant provided information on the collaborative effort with The National Park Service (NPS) to use skilled volunteers to reduce its elk herd at Wind Cave National Park to help address the high rate of Chronic Wasting Disease (CWD) in the park. Beginning in mid-November, trained volunteers selected through a lottery system managed by GFP will work with NPS staff to reduce the number of elk inside the park from 500 to between 300 - 400. Volunteers will be required to demonstrate advanced firearms proficiency and physical fitness to participate. This will include shooting a minimum of 3 out of 5 shots into an 8-inch circle at 200 yards using their own firearm and non-lead ammunition. During the week, volunteers will be required to hike up to 10-miles over rough terrain and carry packs up to 70lbs. The NPS is partnering with GFP to distribute meat with a “non-detected” finding for CWD to Feeding South Dakota, an organization dedicated to eliminating hunger in the state, to be distributed through 350 organizations some of which are on the reservation. Also, volunteers who work an entire week on this operation will be eligible to receive some of the elk meat. Only meat with a ‘not-detected’ test result for CWD will be distributed. Sportsman for Hunger has donated \$10,000 and Safari International donated \$1,000 toward the processing.

### **Elk Contingency Licenses**

Kirschenmann provided an update on the elk contingency licenses that were issued noting that of the 50 issued over 3,100 applications were received indicating the desire of sportsman.

Kintigh was present to provide the Commission a brief update on the follow up meeting held with the Forest Service staff in September. Kintigh said the ranger

conservationists indicated forage conditions have improved noticeably but the mid to late summer rain came too late to effect early cool season grasses, but have helped warm season grasses. The moisture also helped with watering livestock, but they will still have to haul what which is not unusual. He noted they gave estimates for early removals noted that they are seeing few so far. NRCS staff was also present at the September meeting to explain the drought map.

Kirschenmann indicated staff are working to create a decision table to provide better guidance on how to approach contingency licenses in the future. This table will take in account multiple factors such as where the population is and harvest approach.

### **Deer Management Plan**

Tom provided an overview of the deer management plan indicating the major topic is license allocation. He explained how discussion with the stakeholder groups have been helpful with the next meeting to focus on access. Staff are on schedule with research and have drafted multiple portions that are currently being reviewed.

### **Epizootic Hemorrhagic Disease (EHD) in Deer**

Lindbloom provided an update on EHD explaining it is an animal disease caused by a virus spread by a biting midge. He explained how it is seasonal usually occurring in late summer and fall and that animals are usually found near water as they are trying to combat the fever. Lindbloom provided the signs and symptoms of EHD and the nationwide distribution between 1980 and 2003 and outbreak history for South Dakota back to 2007. He also provided a the 2016 report of EHD indicating 674 dead deer have been reported so far with positive SDSU lab results in 14 counties. Lindbloom explained the impacts of EHD on deer populations and possible management consideration such as testing deer and license refunds and modifications as there are no wildlife management tools or strategies to prevent or control EHD.

### **Licenses Sales**

Simpson provided the license sales report as of October 3 for residents and non-residents. He stated the numbers show most of the years fishing license sales have been made and numbers show a positive year with an increase of 1,600 nonresident 3,500 temporary nonresident license. Simpson explained that over the beginning next week sales will continue to increase until opening pheasant when we will be selling licenses every 3-4 seconds.

### **Adjourn**

Motioned by B. Jensen with second by Spies TO ADJOURN THE MEETING. Motion carried unanimously and the meeting adjourned at 12:30 p.m.

Appendix A

**RESOLUTION NO. 16-11**

Whereas, the Department of Game, Fish, and Parks (GFP) has expressed an interest in acquiring real property from the South Dakota Parks and Wildlife Foundation, of Pierre, South Dakota, which property is described as:

Tract 2 of Spring Creek Country Club Addition in Government Lot 1 and the East Half of the Northwest Quarter (E $\frac{1}{2}$ NW $\frac{1}{4}$ ) and the Southwest Quarter of the Northwest Quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$ ) of Section 26, Township 100 North, Range 49 West of the 5<sup>th</sup> P.M., Lincoln County, South Dakota, according to the recorded plat thereof, subject to easements, rights-of-way, restrictions, reservations, and covenants of record; and

Whereas, the property is to be acquired by and utilized by the Division of Parks and Recreation as an addition to and for the development of Good Earth State Park in Lincoln County, South Dakota; 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 purchase, which notice included the time and location of the meeting at which the Commission's 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 of the intended purchase;

NOW, THEREFORE, BE IT RESOLVED, that GFP is authorized to purchase the above described real property at a price of \$392,250.00, which represents seventy-five (75%) percent of the appraised value of the property, and consummate a purchase agreement with the South Dakota Parks and Wildlife Foundation to acquire by purchase the above described real property.

Appendix B

**RESOLUTION 16 – 12**

WHEREAS, the Department of Game, Fish and Parks (hereinafter “Department”) entered in to a Concession Lease Agreement with Fort Randall Marina, Inc., a non-profit corporation, for the operation of Fort Randall Marina located at North Point Recreation Area on August 12, 2003, for a term of ten years; and

WHEREAS, the Commission approved the First Amendment to the Concession Lease Agreement which was executed by the Department on July 2, 2012, which contained provisions for extension of the lease term in exchange for the conversion of individually owned private exclusive use slip in to Marina owned and seasonal rental slips; and

WHEREAS, The Marina met to the Department’s satisfaction the first phase of the marina slip conversion agreement which extended the lease term to December 31, 2018; and

WHEREAS, The Marina intends to formally change its corporate status from “non-profit” to “for-profit” and issue shares of stock in the newly formed business corporation to its investors to facilitate the conversion of additional slips to marina ownership; and

WHEREAS, ARSD 41:13 provides that a change in the controlling interest of the Concession Lease Agreement from that which was present at the time of the execution of the original lease to another person or business entity is subject to approval by the Commission; and

WHEREAS, the Department concurs with and seeks Commission approval of the Marina’s plans to change its corporate status and transfer its interest in the Marina to the newly established “for profit” corporation for the purposes hereinabove described.

NOW THEREFORE, BE IT RESOLVED, that the GFP Commission does hereby approve the plans of Fort Randall Marina, Inc., a non-profit corporation, to change its corporate status to a “for-profit” entity and thereafter transfer its interest in the Concession Lease Agreement for Fort Randal Marina, as amended, to the newly established “for profit” business corporation.

Appendix C

**RESOLUTION 16-13**

**BIG GAME DEPREDATION HUNTS**

WHEREAS, pursuant to SDCL 41-6-29.1, the Game, Fish and Parks Commission may authorize the Secretary of the Department of Game, Fish and Parks to issue a specific number of depredation permits to respond to property damage by game animals that cannot be resolved by any other method, and the Commission has promulgated rules to provide for big game depredation hunts designed to assist in reducing wildlife damage to property by big game species (deer, elk, antelope, and turkey); and

WHEREAS, applications for depredation permits have been received and a random drawing held to establish the lists of depredation pool hunters for each county or area; and

WHEREAS, it is anticipated that high populations of big game animals may cause property damage which in some instances cannot be resolved by any other method except by reducing the number of animals in a specific geographic area;

NOW, THEREFORE BE IT RESOLVED, that for the next two years (2016 and 2017) the Game, Fish and Parks Commission authorizes the Secretary of the Department of Game, Fish and Parks or his designee to issue no more than 600 permits plus an additional 200 landowner/operator permits) for each species (deer, antelope and turkey) per year and no more than 100 elk depredation permits per year, as the Secretary may deem necessary to respond to property damage caused by big game animals.

BE IT FURTHER RESOLVED, that in issuing all big game depredation permits, the Secretary of the Department of Game, Fish and Parks or his designee is authorized to establish when and where each permit is valid and the number, species, and sex of the big game animals permitted to be taken by the holder of each big game depredation permit.

BE IT FURTHER RESOLVED, this resolution shall replace in their entirety Resolutions Nos. 15-06 and 15-07 previously adopted by this Commission to authorize the Secretary to issue depredation permits to respond to property damage caused by big game animals.

Appendix D

**RESOLUTION 16 - 14**

WHEREAS, a petition dated September 28, 2016, was submitted pursuant to SDCL 1-26-13 in which George Vandel, Vice-President, South Dakota Waterfowl Association, and Chris Hesla, Executive Director, South Dakota Wildlife Federation, of Pierre, South Dakota, are petitioning the SD Game, Fish and Parks Commission to amend ARSD 41:06:16:11(5) to remove the counties of Campbell, Edmunds, Faulk, McPherson and Walworth from the area where temporary nonresident waterfowl licenses in Unit NRW-00X are valid and then invalidate/rescind licenses issued in those counties; and repeal ARSD 41:06:16:11(6), dissolve nonresident waterfowl license Unit NRW-00Y and then invalidate/rescind licenses issued in that unit for the reasons more fully set out in the petition (hereinafter referred to as “the Petition”); and

WHEREAS, all members of the Commission have been furnished with and have reviewed a copy of the Petition; and

WHEREAS, the Commission has been advised that a copy of the Petition has been served on all members of the Interim Rules Review Committee and Director of the Legislative Research Council as required by SDCL § 1-26-13; and

WHEREAS, the Commission has been advised that SDCL 1-26-13 requires that within thirty (30) days of submission of a Petition the Commission shall either “deny the petition in writing (stating its reasons for the denials) or shall initiate rule-making proceedings in accordance with SDCL 1-26-4.”; and

WHEREAS, the Commission has been advised and is of the opinion that a hearing on the Petition is neither statutorily required nor necessary; and

WHEREAS, the Commission has reviewed and carefully considered the requirements and procedures set out in SDCL 1-26-13 and the contents of the Petition, including the reasons advanced by Petitioners in support of their petition; and

WHEREAS, the South Dakota legislature at its seventy-seventh session in 2002 amended the codified law of the State of South Dakota that allocated nonresident waterfowl licenses with enactment of Senate Bill 146; and

WHEREAS, Senate Bill 146 of the seventy-seventh legislative session was signed by Governor William J. Janklow and thereafter went into effect on July 1, 2002; and

WHEREAS, the seventy-seventh South Dakota legislature and Governor William J. Janklow acted within the legal authorities afforded to them by the Constitution and Codified Laws of the State of South Dakota; and

WHEREAS, the South Dakota legislature at its ninety-first session in 2016 amended the administrative rule of the State of South Dakota that allocates nonresident waterfowl licenses with enactment of House Bill 1075; and

WHEREAS, House Bill 1075 of the ninety-first legislative session was signed by Governor Dennis Daugaard and thereafter went into effect on July 1, 2016; and

WHEREAS, the ninety-first South Dakota legislature and Governor Dennis Daugaard acted within the legal authorities afforded to them by the Constitution and Codified Laws of the State of South Dakota; and

WHEREAS, although the Game, Fish and Parks COMMISSION is authorized by the Codified Laws of the State of South Dakota to amend administrative rules governing the allocation and issuance of nonresident waterfowl licenses, the COMMISSION fully respects the preeminent authority of the South Dakota legislature and the Governor of South Dakota acting through the legislative process to amend the codified laws and administrative rules of the State of South Dakota including those laws and regulations which pertain to the allocation and issuance of nonresident waterfowl licenses.

NOW, THEREFORE, BE IT RESOLVED, that the Commission does hereby deny the Petition for the reasons hereinabove stated in this Resolution, which said Resolution as adopted by the Commission shall constitute the Commission's written denial of the Petition and its reasons therefore.

BE IT FURTHER RESOLVED that the Petition, a record of the Commission's discussions concerning same, and this Resolution be made a part of the Minutes of the Commission meeting at which this Resolution is adopted, and further, that the Department be and it is hereby authorized and directed in compliance with SDCL 1-26-13 to serve a copy of an extract of that portion of the Commission minutes which pertain to the Commission's discussion of the Petition and its adoption of this Resolution, including a copy of the Resolution, on all members of the Interim Rules Review Committee and Director of the Legislative Research Council with copies also to be provided to the Petitioners, George Vandell, Vice-President, South Dakota Waterfowl Association, and Chris Hesla, Executive Director, South Dakota Wildlife Federation, of Pierre, South Dakota.

Appendix E

**RESOLUTION 16 – 15**

Resolution of the South Dakota Game, Fish and Parks Commission  
"Blue Ribbon Panel on Sustaining America's Diverse Fish and Wildlife Resources"

WHEREAS, Congress passed the Pittman-Robertson, Dingell-Johnson and Wallop-Breaux Acts to establish funds financed by hunters, recreational shooters, anglers, and boaters to support wildlife and sportfish recovery and management; and

WHEREAS, a dedicated and sustainable funding mechanism is needed for many species of fish and wildlife that are not pursued by hunters, trappers, or anglers; and

WHEREAS, South Dakota Game, Fish and Parks has the primary statutory responsibility for the management of all fish and wildlife in the state; and

WHEREAS, South Dakota's Wildlife Action Plan addresses the needs of the state's fish and wildlife species, including species of greatest conservation need; and

WHEREAS, limited financial resources are available to fully implement the state's Wildlife Action Plan to help prevent future endangered species listings and provide for the needs of all species and key habitats; and

WHEREAS, the recent Blue Ribbon Panel on Sustaining America's Diverse Fish and Wildlife Resources, composed of 26 business and conservation leaders from across the United States, recommends that a new funding mechanism be established for state fish and wildlife conservation and management for current and future generations; and

WHEREAS, securing dedicated federal funding is likely to require a nonfederal match similar to that in place for the Pittman-Robertson, Dingell-Johnson and Wallop-Breaux Acts.

THEREFORE BE IT RESOLVED, the Commission supports the Blue Ribbon Panel on Sustaining America's Diverse Fish and Wildlife Resources' recommendation that Congress dedicate \$1.3 billion dollars annually in existing revenue from the development of energy and mineral resources on federal lands and waters to the Wildlife Conservation Restoration Program to diversify funding and management of all fish and wildlife; and

THEREFORE BE IT FURTHER RESOLVED, in the event new dedicated federal funding should be secured, the Commission supports collaborative efforts to locate and establish the required nonfederal match funding mechanisms for wildlife conservation and the implementation of the state's Wildlife Action Plan.

The Game, Fish and Parks Commission therefore adopts this Resolution at their October 6-7, 2016 Commission meeting.

Cathy Peterson, Chair  
Game, Fish and Parks Commission

Public Hearing Minutes of the Game, Fish and Parks Commission  
October 6, 2016

The Public Hearing Officer Scott Simpson began the public hearing at 2:00 p.m. at the Wrangler Inn in Mobridge, South Dakota with Commissioners Peterson, Boyd, B. Jensen, G. 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.

### **Fishing Limits, Seasons and Regulations**

Oral testimony:

Bill Donovan, Donovan Hobby and Scuba Center in Sioux Falls, SD," avid scubadiver in South Dakota since midseventies participating in the sport to go spearfishing. Submitted proposal to GFP in the past to open spearfishing to a year round sport. IN the last 10 years it has been an educational process to inform the public on spearfishing as people are negative when they do not understand the sport. Discussions have help eliminate these misconceptions. Urged the Commission to vote yes on the spearfishing proposal to expand the sport as the impact biologically is not there and the population of people in opposition have finally realized this is not a big deal. Inquired about the removal of the additional \$5.00 fee that was used to fund a study that has been completed and suggested it be removed. Plans to see additional opportunity on additional lakes in 2018.

Commissioner Spies inquired how many people spearfish.

Lott confirmed their 3,300 total resident and nonresident spearing and archery game fisherman.

Ken Edel, Rapid City, SD,"apposes the season as proposed. Stated it should not change just beacause a few lake have bad or dirty water. He disagrees with increasing the lengh of hours and says the use of flachlights is unsportsman making it too easy. Edel wanted to know what anglers think, not just spearfisherman and said the \$5.00 fee is for gamefish not roughfish. Edel also said other states do not allow shooting of gamefish. Inquired additional information on opening inland waters and wanted to know if staff specifically spoke with anglers. Says the \$5.00 fee is for shooting gamefish not roughfish. Most other states do not have shooting of game fish and this is the worst thing we ever did and should prohibit the shooting of small and large mouth bass.

No written testimony was received.

### **Fishing Tournaments**

Oral testimony:

Secretary Hepler noted the rule change for fishing tournaments has been out for public comments for the past 60 days. In additions to taking into consideration the comments received through that process staff also reached out to specific interest

group. In result of the public input the Department will asked the Commission not to take action on the fishing tournament rules at this time.

Written testimony:

Lindsay Scott, Mobridge Area Chamber of Commerce, Mobridge, SD, "Dear Members of the South Dakota GF&P Commission, We are writing to you in regards to agenda item 12, fishing tournaments, that was discussed at your August 4-5th meeting. It has come to our understanding that the commission is looking at imposing fees for tournaments that are applied for through the tournament application system. Although we understand the need for the Game, Fish, and Parks office to manage what is a tight budget, we do oppose the fee structure that was discussed. Us as a community that thrives on tourism, and particularly fishing tournaments, anticipate a negative impact on those tournaments that may not be able to afford the excess costs that were proposed. We are fortunate enough to see all sizes of tournaments ranging from South Dakota's Largest (Mobridge Ice Fishing Tournament, 525 teams), to midsize (Denny Palmer Memorial Classic, 137 teams and the Cabela's National Walleye Trail), and smaller local tournaments (Mobridge Couples Tournament, 3M Tournament, Northern Oahe Series, and many more). From our experience, any costs that directly impact the bottom line will adversely drop the amount of advertising, amount of payout, and/or the number of participants. This in turn will decrease the collection of sales tax, park passes, fishing licenses, and other means of which the state and small communities like Mobridge fiscally budget for. There could potentially be a downward spiral in some fishing tourism, and we would assume that this isn't something that the commission is wanting. We are asking the commission to consider not imposing a fee structure, and to have open dialogue those non-profits, communities, and individuals that work tirelessly to showcase the abundant fisheries of SD to tournament anglers. If any commission members would wish to discuss this further, our Chamber of Commerce and Tourism Committee would be more than amicable in conversing. Best Regards, Lindsay Scott, Executive Director Jesse Konold, Tourism Co-Chair and Rick Bolduan, Tourism Co-Chair"

Blaine Fopma, Sioux Falls, SD, "I recently learned about the proposal to add fees for fishing tournaments. I previously ran a small ice fishing tournament series in our state and if this proposal was in place it would have been detrimental to what we were doing. It is hard enough trying to find sponsors and get participants without the extra fees. I truly believe nobody is profiting from administering these tournaments. If you have to raise license fees (which I am not for), I believe it would be a better solution than charging a separate tournament fee. Thank you for your consideration."

Betsy Lentz, Watertown, SD "I am writing to argue against the application Fee for Fishing Tournaments that is being proposed for adoption at the October meeting. Dakota Sportsman, in Watertown, a membership of outdoor enthusiasts and supporters host an annual fishing tournament in June at Lake Poinsett. Under the new rules, our tournament would be assessed \$525 for our 80 boats. Our tournament is a fundraiser for the activities we support. We host a Steak Feed the night before Pheasant opener, for members and the public. We host and run a Kids Ice Fishing Tournament in February on Lake Kampeska, with a hot dog lunch and prizes and trophies for the kids. We are a major contributor to the Youth Sportsfest each September in Watertown, hosting over 200 kids for a day of outdoor activities and experiences. We send a

donation annually to the Rocky Mountain Elk Foundation for a food plot in the Southern Black Hills. We send several teenagers each summer to an Outdoor Camp hosted in the Black Hills by SD Wildlife Federation. And we have donated \$2000 per year to the GFP for food plot programs in the Codington County area. These are some of our projects. We have been told by local GFP staff that the rule change is to support the additional work of the staff to support and police these tournaments. Let me share a story of GFP involvement at our tournament this year. We did ask that our tournament be placed on the GFP schedule on the website, and it was. During the tournament, a CO from GFP did arrive, also with a Brookings County Sheriff. It turns out that the sailboat regatta, also being held on Poinsett had overturned a paddleboat to use as a buoy marker and not notified any authorities. A citizen phoned in worried about occupants in the water in danger. After that was deemed foolish, but no one was in danger, we had another incident. A large boat from MN with an inboard motor, attempted to launch on the West side, into a very heavy wind and big waves. The boat motor died and was already off the trailer with no driver. The CO told my 19 year old son who was helping with the tournament to jump in the water to try and secure the boat. "Since he had shorts on". He was nearly pushed into the dock and crushed by the boat. How was that our responsibility? They did get the boat trailered for the out of staters that did not even say thank you. None of these incidents were caused by the fishing tournament, and none of those participants are required to support GFP with funding, such as licenses. If GFP needs more funds to run the work that they are charged with, why not raise the license fee for Out of State Fishermen? They will surely pay to fish here as they do not have great fishing in MN, IA, ND and others, so they come here. Has a plan been developed to pay for fighting invasive species? The zebra mussels are likely coming. The risk is more from out of state fishermen bringing it in, so maybe the State should start collecting higher fees to have a fund to fight those when needed. Please consider that this is like double taxation. Fishermen are already supporting GFP through the purchase of their license. And this rule change would add additional cost to the same people. Tournaments are generally hosted by groups of outdoor enthusiasts and conservationists, so you would be biting the hand that feeds you."

Kris VenOsdel, Springfield, SD "I am sending this email in opposition of the proposed application fee for tournament fishing. The amount of fees that GFP keeps imposing on anything to do with outdoor activities anymore is getting out of hand. There is more than enough money brought in to cover the supposed extra expenses that you say need to be covered for these tournaments. "These events require staff time for review, research, law enforcement and cleanup. The proposal is brought forward to provide compensation to the department for added staff time associated with tournaments."Do we not already buy licenses and pay fees for these activities already? Isn't it the job of the conservation officers to monitor ALL fishing activity whether it's tournament or just a normal day with every day fishing going on? If cleanup is such a problem that your staff need to come in and clean up afterwards, maybe you should fine the tournament organizers at that point. There is no need to assess a fee to every tournament organizer when the vast majority do an excellent job of clean up afterwards. To end, I feel another fee to participate in an outdoor activity is getting away from the goal of getting more people outdoors in general."

Mike Schortzmann, Rapid City, SD, "I am writing in support of fishing tournament fees. I agree that there should be some compensation for added costs to hold these events. I hope that the proposed fees are enough to cover those costs. If not, maybe the fees should be higher."

Rocky Niewenhuis, President South Dakota Walleyes Unlimited, Rapid City, SD "On behalf of South Dakota Walleye Unlimited members ("SDWU"), and the other organizations signed on below, SDWU would like to address its concerns with regards to ARSD Article 41:09 Special Permits and Licensing (Fishing Tournament Fee's).

Walleye tournaments have seen significant growth in popularity over the last few years. SDWU considers this a good thing for both walleye anglers and the South Dakota economy. Fishing is part of the South Dakota heritage and tournaments give both local and non-residents an opportunity to experience the great fisheries that SD has to offer. Local tournaments are a stepping stone for anglers looking to enhance their fishing skills by fostering friendly competition. Minimal entry fees for such tournaments make it affordable for many young and new anglers to compete. For example, the Sioux Empire Chapter of SDWU hosts a fishing tournament at Platte Creek every year with a limit of 50 boats. The entry fee for this tournament is only \$70 per team. Unfortunately, the proposed rule will likely cause SDWU to raise this entry fee. As written, SDWU believes the proposed rule harms lower entry fee tournaments that cannot absorb the increased financial burden caused by the fee. The current structure of the proposed rule only factors in the number of participants, it does not take into consideration the entry fee charged by the tournament. That is, a local tournament with 50 boats is charged the same application fee as a national tournament with 50 boats and a large entry fee. This will likely harm many local, low-entry fee tournaments across the state by causing them to increase their entry fee, which will likely lead to decreased participation by anglers. SDWU is aware of the necessary time and man power required to process tournament permits. However, SDWU does not see a need for a game officer to be present at every tournament (but SDWU doesn't think this should discouraged either). Nor is SDWU aware of extensive trash caused by tournaments. If excessive trash is a problem after a tournament, SDWU would appreciate being made aware so we can work with the tournament directors to clean up such areas as well as help prevent future problems. SDWU and many others organization feel the current proposed fees would have a negative effect on the tournaments that are already proposed and being organized for the coming year. Most tournaments held locally are 100% payout tournaments which means all the entry fee or sponsorship money is paid back out to the anglers. Any additional fees would be directly passed on to the angler through an increase in entry fees or lower pay-outs, thereby likely lowering tournament participation. This could harm a growing industry and an important part of the South Dakota economy. SDWU cannot support ARSD 41:09 in its current form. SDWU does understand the growing number of tournaments creates an administrative burden on the GFP staff. Thus, SDWU would support a reasonable, flat fee (amount TBD) per tournament application to offset the additional costs and time placed on GFP staff. SDWU would be glad to poll tournament directors to see what a reasonable fee may be. Please take our members concerns under consideration when reviewing this proposed rule change at your October 6th meeting in Mobridge, SD."

Dave Johnson, Watertown, SD,” I have two concerns about the proposed fishing tournament fees rule. The first has to do with enforcement. The proposed rule puts the burden on the participants to determine whether the tournament they are fishing in has a permit. Unless there is a requirement for tournament sponsors to publish and display their permit, and further, an awareness in anglers that by participating in a tournament without a valid permit, they are in violation, the chain of responsibility becomes cloudy, at best. Basic fairness would dictate that the entity responsible for applying should directly suffer the consequences for not doing so. Penalizing sponsors makes sense for a multitude of reasons, beyond common sense. First, prosecuting one sponsor rather than one hundred participants is more efficient. Second, I doubt that you could find a state's attorney or a judge who would prosecute or convict an angler for a sponsor's inaction. My other concern has to do with the burden this fee may create for non-profit or charitable organizations, particularly when their net revenue from such an event may be very small. This added expense could cause these low margin events to be discontinued, which would be unfortunate since many of them are designed to promote family participation in the sport, increasing the base of future anglers. Thank you for your consideration.”

Mike Dorris, Lake Area Walleye Club, LLC, Madison, SD, “Good morning, my name is Mike Dorris, I am the Owner/Operator of Lake Area Walleye Club, LLC based out of Madison SD. I created LAWC in 2009 with the purpose of expanding the exposure of fishing and the great outdoors to the next generation. Too many of our next generation choose video games vs. outdoor activities. I do my best to create kid friendly events that will encourage our children to fish, hunt, hike, and simply be outdoors vs. lounging on the couch. Every dollar of profit that I generate through LAWC go towards youth events, family events, and military appreciation events. I draw large crowds to my events because of the high percentage of entry fees returned to the participants, and the fishing gear I give away which has been around \$10,000 each of the last few years. If I have less dollars to purchase fishing gear to give away, I have smaller crowds, therefore less impact of getting more people outdoors to our events. I am also fairly confident that we give away more fishing gear to our youth than any other organization in the state of SD. LAWC creates and host 10 to 15 events each year. LAWC's name is not on every single permit you receive as I delegate that out occasionally. 2 delegated permits in particular in 2016 were the Boys and Girls Club of the Sioux Empire Celebrity Walleye Classics (both ice and open water fishing) on Dry Lake #2. I am fairly confident that LAWC obtains more permits than any other organization in South Dakota on an annual basis. The proposed permit fee I was made aware of yesterday, August 3rd 2016 would cost LAWC between \$4000 and \$5000 per year. This would sink LAWC and we would be out of business. The permit expense would have to come from the competitors of the events, more expense = less participation. LAWC has no salaries or annual profits, simply an operating budget for our events, insurance, income tax filing, and capital improvements of our equipment to host our events. I agree that work is created for your personnel when a permit is applied for, but is this permit creating overtime, or the need for additional staff members? If not, I don't think any fee is necessary. I read in the proposal that work is created for your staff to clean up after the events, I assure you we leave the areas of our footprint much better than prior to our arrival. We constantly pick up aluminum

cans, ice bags, and other garbage at our events that were there before we arrived. If the hosting organization wants to donate the fish and this creates too much work for your staff, than maybe this should not be an option, or charge a small application fee if they choose to go this route. I encourage you to reconsider the expensive fishing tournament fees you are proposing on adopting for the future. I really feel the fishing license the angler purchases, and the park fee that is paid to use the parks is enough expense for our participants to pay to use the public resource. Organizations such as LAWC will be very negatively impacted by the fees, and the economic impact on the communities we host our events in will be felt.”

Robert Eddy, Rapid City, SD” Please vote NO on the expansion of walleyes into the Black Hills reservoirs. With only Pactola, Deerfield, and Sheridan lakes available in the whole state to allow a cold fisheries experience, these three should be protected for the best use they can provide. Angostura, Orman, and Shadehill provide the warm-water opportunity to those wishing such catches, along with the Missouri river and hundreds of other warm bodies of water in the state. These three reservoirs are in a limited group, please don't complicate them by adding another species. Thank you!”

Kevin Spaans, McCook County Wildlife Club, Salem, SD,”First of all, we support the idea of a fee for South Dakota FishingTournments. However; we are wondering about a clause for non-profit organizations. The McCook County Wildlife Club has applied for a permit to hold our annual fishing derby, fifty boat max, at Buryaneks Boat Ramp since 1995. In 2016 we raised our limit to sixty boats due to the family and friends that wanted in; however we ended up with 44 boats. We could go back to a fifty boat maximum. We do allow more than two people in a boat; but they can only bring in the eight fish limit. Our derby has become a big event for family and friends of members for raising funds for the Take-A-Kid-Fishing Day. We pay out up to eight places with many winners donate their winnings back to the club. The club has used the profits received from our derby to host Take-A-Kid-Fishing Day held on the second Thursday in June at Lake Vermillion. We allow up to thirty kids that may have never been fishing, to do so along with their parents. At this event, we give each participant a rod and reel combo, tackle box with goodies, provide a meal to all. That’s approximately eighty to ninety people with parents, siblings and workers. The cost is approximately \$32-40 per participant. Our club also sponsors many youth activities; Youth Goose Hunt, Pierre, Take-A-Kid Fishing Day, Step Out Side Program with GFP, Youth Hunt Safe Courses for both gun and archery, Youth Trap Shoot 12-16 years old, archery shooting range that’s open to the public, and the trap shooting range open to members. We ask that you think of the clubs, such as ours, when deciding your fees for tournaments; “Set a fee for the application under 50 boats” and no number of participants. We are a small, local club, investing our time and funds, to the youth of our area, as they will be the hunters and fishermen and women of tomorrow. Thank you for your time and consideration in this matter.”

Brian Moen, Renner, SD,” I am writing to voice my opinion on the proposal to establish fishing tournament fees. I have attended several tournaments the past several years both open and hard water in South Dakota. I am writing to oppose tournament fees altogether unless the fee structure is right-sized to the entry fees that these tournaments. Comparing a \$500 50 boat entry fee with \$25,000 payouts to a \$20

entry fee \$800 payout is not fair and will only result in smaller just as popular tournaments to go by the wayside. Unless that is the true intention of the proposal, the fee structure should match the tournament structure. Today's tournament environment already has a stigma of only those with \$90k boats and the money to play in multiday high dollar tournaments need apply. To these types of tournaments the proposed increase doesn't matter to their participants and their decision to enter isn't based on an extra fee dollars added to the entry fee. However, the small entry fee tournaments that are usually located in smaller communities and attended by locals or those that share same interests are going to see the most impact of a tournament fee. Please reconsider this fee structure until it can address this imbalance. Im sure some of the smaller SD tournaments and communities that support them would agree that a fee can be imposed but at a level that is equal to the level of the tournament being held."

Cory Richardt, SODAK Ice Fishing League, llc, Watertown, SD, "I am writing you this email in response to the proposal of establishing a fishing tournament fee that came out of your August meeting. I understand that there is an increasing number of fishing tournaments in the state evidenced by the SDGFP website and in the local newspapers. It seems that every weekend there are a handful of fishing tournaments throughout the year, except for the winter. The South Dakota winter has drastically fewer competitive fishing tournaments, and for that reason alone we decided to start the SODAK Ice Fishing League. My partner Chuck Wilson, of Aberdeen, SD and I organized the SODAK Ice Fishing League, llc in the spring of 2014 and began holding tournaments in the winter of 2015. This coming winter will bring our third season of holding tournaments. Our league is structured with four qualifying tournaments with a capacity of 50 two man teams with the top 25 teams qualifying for a championship, held at the end of the season. We have allowed 10 additional slots for teams to enter as 'at large teams' to be able to compete and see how our events run before they have to commit to join the league and fish the entire series. I believe it is important for you to understand the structure of our league, and to know that our league profits nothing from these events. Neither Chuck and I, nor our other workers/assistants take any income from organizing and running these events, so our interest in writing this letter is purely for the interest of the other 90+ anglers that participate in our events. The vast majority of our anglers have to travel a minimum of over 100 miles to each of our events; and to add to this, we have had a dozen teams in the last two years come from out of state to participate in all of our events. Every time our anglers come to one of our events, they look at Fuel, Bait, Lodging, Meals/Snacks/Drinks, Fishing License, and any additional tackle/equipment they purchase for the outing. These all add up quickly and I fear that adding an additional expense will be further 'nickel and diming' our anglers and deter them from entering our events. I have heard the argument that these fishermen would be fishing anyway and spending this money in our local economy, but in the case of a good number of our anglers, this is not the case. Many teams have expressed to me this league is the only time that they make it out fishing for the winter. They have said by committing to the events prior to the season, they feel obligated to come out and fish - and are very thankful for it. Our entry fee for each event is \$20 per person per event. This adds up to \$2000 in entry fees per event; all of which we pay out. The proposed fee of \$350 for our field of 100 anglers would equal 17.5% of our total take in going to this new tournament fee. Over the whole winter season, according to your proposal, we

would have to pay roughly \$1600 for our five events, in tournament fees alone. Also according to the proposal on the gfp.sd.gov website, this increased revenue will be" brought forward in an attempt to provide compensation to the department for added staff time associated with tournaments." In our two previous years of running these tournaments, we have yet to have any GFP officer stop us for a game check, creel survey, or license check - which we are not complaining about whatsoever. We have taken this fact as proof of trust in our tournament officials to conduct clean, safe, and law abiding events; which we are very proud to say that we do. I want to make it clear that I do not oppose a tournament fee being established, but I do oppose the one that has been laid out in the press release and posted on the SDGFP website. I am a firm believer in that if a person offers a problem without a solution - he is merely complaining 'over morning coffee'. As such, I would like to offer alternative solutions: 1) I would like more specific parameters set to the fees, such as base it off of number of participants only or base it off of a percentage of the total entry fees. 2) The fact is there so many more tournaments in the summer versus the winter, thus requiring the additional staff time that your press release references; so would the commission be opposed to a seasonal fee? Perhaps an increased fee in the busier months versus the winter months, when the workload is lighter. I would like to thank the SDGFP for all they do for our state wildlife, state parks, and fisheries; and for your consideration in this matter."

Mark Zacher, Black Hills Bass Bandits, Rapid City SD, "Good morning, I'm the president of the Black Hills Bass Bandits in Rapid City SD, and I heard a rumor that there may be a proposal out on charging fees for tournaments ? we have about 10 club tournaments a year, we are a small nonprofit club and I am concerned about this if it's true. I appreciate an explanation of this if it's so."

Dean Theisen, Sioux Falls, SD," I am not in favor of these fee proposals. As a sportsman I fish in a couple of tournaments a year. Some of these tournaments have been fund raisers in honor of an individual outdoors sportsperson with proceeds being donated to cancer research or whatever their cause is, and other tournaments are family friendly gatherings of the people I work with getting to know my personal family (son, daughter, brothers) as a fun weekend outing. My family and other co-workers partake in a weekend of camping and fishing at the wonderful Platte Creek recreation camp ground once a year. As some of my family and co-workers only fish once a year I think the added cost would deter them from the additional cost bestowed upon these individuals. So if this proposal goes into effect, potentially the number of tournaments could dwindle, thus the business in those areas will lose revenue along with the State of South Dakota, the campgrounds as well, reduced park entrance numbers, and license not being purchases. As for my family couple live out of state so they purchase an out of state license just to come over here and fish with myself in a family oriented event that doesn't care about the number of people in the boat as long as it meets state regulations, they only weigh 7 fish in that tournament which is completed by volunteers in their organization. I frequent these spots I fish a few times a year just due to the beautiful nature of the area and my limited schedule availability. The points the State makes: Time for Review, research, Law enforcement and clean-up. 1. Staff time for review: How much time is spent on review? I see the application is entered online and into a database by an individual for that tournament. So all one has to review is the

application? All of a couple of minutes to read, then approve and forward it onto the next step in the process. How much research? Do they look at the database from last couple of years and there is no negative remarks about the tournament it proceeds unto the next step? How many people need to approve a fishing tournament? Could the cost be reduced by decreasing the number of approvals necessary for a tournament? How many man hours a year are put to this process? 2. Law Enforcement: As I have fished these tournaments I have only been checked twice by an officer on the water of the Missouri River system and have been checked once on a small lake during a tournament. As most of the other times I have been checked it is usually right after coming to shore for the day. I have abided by all the laws and regulations thus additional resources needed? Where is the need for additional law enforcement? In most tournaments' if you do not follow the rules and laws of the state you are disqualified from the tournament so why would there be a need for additional enforcement? 3. Clean-Up: I would like to know what they are cleaning up? How many hours of clean up necessary after a tournament? Because while I'm out there or a family member we pick our trash and any of the other trash that might have been left by someone else. You pack it in you pack it out. I have been the last one vacating some of the campgrounds after the weekend and they look just as clean as when people arrived. Is the state charging for other activities that take place out at state parks like family reunions, Class Reunions, large picnics, etc? 4. The fact that you would fine the angler for fishing in a tournament that was not approved by GFP would be absurd. Why would you fine someone who is not breaking the law? How is he to know that the organizer of the tournament placed an application in for approval? The additional cost of this application fee will be passed onto the angler."

Damar Dore, Director, USA Bassin South Dakota Division "USA Bassin, South Dakota Division would like to applaud The South Dakota Game, Fish and Parks on it efforts to manage its staff cost with that of area tournaments, I understand the need for these fees with the departments needing to operate inside its budgetary constraints. However, I believe that there is a fairer and equitable solution to this short fall, one that could ease the burden of applications and not to increase the cost to organizers to operate tournaments. After polling several tournament anglers, we feel a better solution to have a rider on the current fishing license (much like a duck stamp for hunting) for an additional \$10.00 per annual to fish tournaments in South Dakota, This would make it fair to all tournament and derby anglers that wish to fish these style events. Most of the tournaments we currently fish are less the 20 boats which concerns me for future growth and when we have open tournaments, the issue we face not knowing until the last moment how many boats are showing up to fish, if we purchase a 20 + permit and only 10 boats show up then we are in the hole by at least 3 tournaments to get that amount of funds recovered. As a club you don't want to discourage anglers from fishing your events, and as an organization you cannot be successful by losing funds. I do believe that applications for any size event should be mandatory; this would give the SDGFP notice of a planned event should they desire staff to attend, also it would allow the planning so multiple events are not scheduled for the same locations and dates creating thus hazards and delays for non-tournament anglers."

Harold Feser, Sioux Falls, SD," Please do not change tournament cost for ice fishing. These tourneys have very little impact on the fishing system, and are hard to

keep them going due to participation. Weather affects them greater than the summer fishing. I started ice fishing about 10 years ago and just about find a tourney every week end. Now it is hard to find one within 1 hours drive let alone 2 hours. Thank you.”

Richard Hladky, Yankton, SD,” I am not sure where this thought came from, but it is absolutely insane. How much cost is really in the tournament permitting process? I never seen a GFP official at all of our tournaments. How much trash are they really picking up after a tournament? I will be the first to tell you that when my association holds a tournament, we leave the ramp in better shape than it was when we got there. I assume some pencil pusher sat at his/her desk and broke down how much time is taken to approve one tournament permit and decided that the 20 minutes taken needs to have funding. The only thing this proposal will do is eliminate tournaments from happening. How are you going to explain to the communities that tournament fisherman are no longer coming to your town? I wonder if state even looked at the financial impact tournaments have on local communities? This proposal is the biggest mistake the state could ever do. Not only will this hurt tournament fishing, but it will affect everyone in some financial way.”

Doug Alvine, Kampeska Chapter President, Watertown, SD,” I represent the Kampeska Chapter of the Izaak Walton League that has 60 members. Our chapter is concerned about the fishing tournament rules that are being proposed. We are fine with the concept of tournament fees, but not having the fee based on the number of fishermen in the tournament. We think that it should be a flat fee, because it is very difficult to know how many fishermen there will be at the the time of application. For example, our chapter's ice fishing derby has over 200 tickets sold, but normally only 75-100 fishermen actually show up and fish. A lot of people buy a ticket as a donation. They also have a chance to win a cash prize without being present at the derby. If you base your fee on the number of fishermen, we may put 75 people on the permit as that is what is normal, but what happens if it is a nice day and 200 show up to fish? Will we be in violation? A flat fee will cover all tournaments and not cause a group or organization to be in violation unintentionally. We feel that there should be a minimal or no fee for non-profit or charitable groups. Many people buy a fishing license to fish in our tournament and other tournaments. Fewer licenses will be sold if the number of tournaments is reduced. Fishing license fees should help pay for the administration fees. This leads us to your enforcement proposal. We think that it would be wrong to make it a violation for fishermen to fish in a tournament if it is not permitted. Fishermen have no clue if the tournament is permitted or not. If a tournament is not permitted, then the organization or the person running the tournament should be in violation. We have had our ice fishing derby for many years. It is meant to be a fun event for families and especially kids. We have many prizes donated locally so every kid entered wins something. We have cash prizes for the adults. Our derby is one of our main fundraisers. A fee that is too high may make it difficult for us to justify our tournament.”

Don W. Fjerstad, Outdoor Director & Sales-KWAT, KDLO, KIXX, KKSD, KSDR-FM & KSDR-AM , Watertown, SD,” Dear Sir: I agree with the concept of tournament fees, but, not the amounts you have proposed! I think a lot of charity, non-profit & conservation clubs etc. tourneys would call it quits. For the last 20+ years KWAT & KDLO radio in Wtn. has sponsored and run a fishing tourney on the third Friday in January on Lake Poinset. We do it

to kick-off the Poinsett Pounders Governors games & childrens day. We charge \$7 per person & depending on the weather,we average 170 fisherman per year.We serve free brats,buns,peanuts,water & pop from 10a.m. to 3 p.m.Our cost \$1500. We give out \$350 in cash prizes.We buy \$500 in door prizes & give donated door prizes away...also.Now,with a \$800 tourney fee for a 5 hour fishing tourney,we will end our annual tourney!! I think a structured fee of \$100 for 100 people & a \$200 fee for 101+ fisherman would be tolerable to business sponsors & charity tourneys.On Lake Kampeska alone,each winter,in Wtn., there is a Ducks Unlimited.,Elks club, Izaak Walton & a couple other non-profit tourneys. I feel they may end there tourneys also”

Mark Zacher, President Black Hills Bass Bandits, Rapid City, SD, “I heard a rumor that there may be a proposal out on charging fees for tournaments ? we have about 10 club tournaments a year, we are a small nonprofit club and I am concerned about this if it’s true. I appreciate an explanation of this if it’s so.Thank you for your time”

Cliff Lambert, Black Hills Bass Bandits, Rapid City, SD,” you would prefer not to have tournaments at all. with passage of this proposal you may accomplish that. we can not afford to comply. you talk about compensating staff. don’t you pay them? don’t they do this stuff during their normal duty day”? as for law enforcement, I have never seen them at our club tournaments nor have we ever had the need of them. we never leave anything behind to clean up. in fact, sometimes we have cleaned up ramp areas on our own. the reasoning behind this proposal reeks of bureaucratic torpidity, you don’t want tournaments and this is a way to make inroads towards that goal.”

Drake Mohr, Sioux Falls, SD,” I am a leisure tournament fisherman and a member of the Lake Area Walleye Club. I fish around 10 league events and fishing tournaments each year. In my opinion, you proposal for charging the very high fees for each tournament is way too high. I know that in our league, the area is left cleaner than when we got there. Members from our league go around the area and make sure our trash and trash from others is picked up. I also fish tournaments on Lake Poinsett which I have a lake cabin and have returned later the same day and do not see any trash, etc laying around as inferred in your proposal that it takes extra manpower to go after and clean up. I also know that there are plenty of tournaments that gear toward getting kids involved in the tournaments. If you pass these huge fees, it has to come out of the prizes and may cause tournaments to either fold or reduce the amount of people fishing in them which leaves some people out. I can understand charging a small application fee in the neighborhood of \$50 per tournament for processing the application, but your proposed fees are way too high. Most people fishing these tournaments are already huge contributors in the equipment they buy as part of that goes back to GFP, licenses for themselves and their families, and most are members of at least one outdoor club which indirectly lowers GFP cost. Please reconsider the huge cost you will be putting on these tournaments and do the math that the fees you would collect are nowhere near the financial impact that you imply the fishing tournaments cost the GFP.”

## **Bait Trapping and Use**

Written testimony:

Ken Edel, Rapid City, SD,” Issues with bait trapping and use is not across the state but in the Black Hills. Two years were spent on the trout management plan with

problems such as the illegal stocking of northern pike and now you want to open it up and allow people to move fish around with more risk than benefit with AIS issues. Most lakes in the hills are small and do not have minnows not sure what the benefit would be to do this in the Black Hills requesting it be reviewed before action taken.

No written testimony was received

### **Fish Health Inspections**

No oral or written testimony was received.

### **Game Fish Spearing and Archery**

No oral testimony was received.

Written testimony:

John J. Hoile, Watertown, SD, "In regards to your proposal to allow the snagging of salmon in Oct. & Nov.. I realize the salmon are going to die after spawning but there is noting about snagging that is sporting. Fishermen can already keep fish that are foul hooked, just leave it at that. To me, watching people snag salmon is about as appealing s watching the hundreds of Hmong from Minnesota slaughter every fish they catch at Waubay lake in the spring. The state of South Dakota does not need to promote what amounts to subsistence fishing."

Marge Flesner, Spearfish, SD," My opinion is that allowing crossbow spearing will be very dangerous."

### **Fisheries Management Authorization**

No oral or written testimony was received.

### **Elk Depredation Permits**

Oral testimony:

Dylan Deuter, Ree Hights, SD,"Part of the new group South Dakota Big Game Coalition not pleased with contingency elk licenses looks like a do nothing or a political ploy. As a cattle rancher with 50 head of cattle in that much area didn't do anything. Email sent it August stated no contingency licenses would be issued then you did it anyway. Understands the Commission can do as they please but that puts our guard down. Not impressed with the situation. Depredation is on private ground and contingency licenses are on public ground. Doesn't have a problem with cattle being there, but ranchers there did not have to take cattle off the ground as he spoke with the Forest Service they may have to pull out early and they will have to set up water tanks but this will happen whether the elk are there or not. Food stores are there for the elk and great to use them for the cows too, but not at the sacrifice of our elk herd. Spoke with landowners that will not allow cow hunting on their land so lots of tags out there with no place to hunt. Appears that we catered to a grazing association that is not necessarily right. First and foremost come the elk and if the grazing association has a problem they should go to the Forest Service and not GFP. Archery hunters in the area were there for 14 days a piece and did not see elk. Heard that Commission wanted to

put out 50 more tags than were recorded in the specific unit. Group is an active younger crowd that is hunting in state and out of state. It is phenomenal to get an elk tag in South Dakota and more cow tags in the area will take away from that experience of hunting which is priceless.

Written testimony:

Ross Swedeen, Rapid City, SD," My name is Ross Swedeen. I live in Rapid City, SD. I am a member of the South Dakota Big Game Coalition. I will not be able to attend the meetings in person. I work in the road construction industry. Right now is our crunch time to get our projects completed before the snow flies. First off, I would like to thank you all for the work that you do. You do not have easy jobs. You have to make difficult decisions based on many different opinions. I am writing this email to give you my input on some of the issues you will be discussing during your meeting. I would urge you to make your decision on issuing additional elk contingency tags based on biology and science. There were elk contingency tags issued in the past when the SDGFP recommended no elk contingency tags. That gives the impression that decisions are based on special interest group's opinions, not science. In my opinion, that is not how our wildlife should be managed. We should be managing our wildlife based off the North American Wildlife Conservation Model. Sister #7 of that model is scientific management. "

Silvia Christen, Executive Director SD Stockgrowers Association, Rapid City, SD," I begin this letter by apologizing that no one from our association was able to attend the meeting in Mobridge. We had hoped to be able to visit with you directly. Schedules for our ranchers are full this time of year with ranch work, fall calf sales and preparing for winter weather. We want to thank the Commission for the thoughtful and thorough discussion surrounding the decision to issue 50 additional elk tags in response to the drought conditions ranchers faced this summer. We hope that you saw the press release we sent to acknowledge that decision and publicly thank you all as well. Since the August meeting, conditions in the BH National Forest have made some improvement. As you can see on the drought monitor (attached), we did have some rain fall from mid-September that has alleviated some of the most severe drought conditions, though the northern hills and Butte County continue to experience D3 levels of drought. Producers like Aaron Thompson, who spoke with you during the last commission meeting, and his neighbors are reporting some improvements to grazing and forage with recent rains. Several grazing permittees report that they entered their permits late due to the drought conditions and were then able to stay on those permits until their scheduled dates, resulting in a net reduction of total forage and grazing. Many of them did haul additional water to supply livestock and wildlife during the last months. To my knowledge no producers were able to extend their grazing timeframes on the BH National Forest. More specifically, ranchers grazing those areas have shared that while the rain did help to hold the grass quality it was not enough rain, early enough to really make any substantial improvements to the quantity of forage available. We share that information to support that the decision to remove some additional elk was prudent and responsible to help maintain forage levels and allow the forest to recover from these drought conditions. Moving forward, the SD Stockgrowers Association encourages the SD Game Fish and Parks staff recommendation to develop more specific guidelines for future issuance of elk tags according to the drought contingency in the Elk Management Plan. We share the concern that the Elk MP doesn't give the commission, the public or

the livestock producers enough guidance on how these tags are to be issued. It is our hope that a matrix or set of criteria can be developed to assist the commission in making these decisions in the future. However, a criteria or matrix should not be absolute. No criteria should require tags to be issued, or bar tags from being issued without the Commission having the final decision. Again, we thank you for your efforts and attention to the conditions facing ranchers in the northern hills this summer. We look forward to future discussions regarding the elk management plan and are committed to participating in these conversations. Please let us know how we can best be a part of these conversations.

Aaron Thompson, President, Spearfish Livestock Association, SD," It is the understanding of the Spearfish Livestock Association that it is the intent of the Department to recommend that no more of the available contingency tags be issued. Given the tags issued at the July Meeting and the improved rainfall across Western South Dakota, the Association can support that recommendation. The past week or two have been consumed around here with getting cattle out of the forest and home. As such I have seen much of the Northern Black Hills and can speak reasonably authoritatively about conditions there. When I got out and started gathering, I was surprised that things didn't look better. While the area did receive much improved rainfall during the second half of Summer, it largely resulted in a "greening up" effect, rather than any increased forage production. In large part, comments made at the July meeting suggesting that any rainfall from this point fourth will not result in a significant increase in forage availability were proven correct. An argument could even be made that the most significant impact of the late summer rains was a psychological one. To my knowledge, nobody in my area of operation has been allowed to stay past their off dates, though considering the entirety of the National Forest, I would imagine that an exception could be found. As for my allotments, I elected to turn in late on two of my allotments and I still came off on the scheduled of date. This resulted in a shortened season of two weeks on one allotments and nearly a month on another for myself. If there is a concise take away from all this, it would be the the Commission made the right decision at the July meeting. Given the increased rains and the improvement of the national drought monitor it would be easy for the commission to start worrying that the wrong decision was made earlier in the summer, and that if the decision could have been delayed, issuance of contingency tags would not have been necessary. I assure you that that is not the case. It was suggested at one of the Elk Stakeholder meetings that it is clear on the 4th of July whether we are made or not regarding grass and hay. If anything, the way summer has played out demonstrated that this statement was very correct. Resultant regrowth in August and September was negligible. The landscape did appear improved simply as a result of greening, but it gave a false sense of improvement. Further, I would caution that while it appears that the drought conditions are receding, the Black Hills remains in D1 conditions and that our landscape will carry effects of this drought (decreased and stressed root systems, minimal ground cover for winter, etc) into the next growing season, regardless of moisture received from this point on. It is a very difficult decision for any manger to decided to cull numbers during a drought, and any rancher can sympathize with the struggle and uncertainty that the commission has experienced while on this journey. It is not fun, but it is a necessary

part of land management and I thank you all for your willingness to do the hard thing.  
Hoping for a gentle yet precipitous winter”

The public Hearing concluded at 2:35 p.m.

Respectfully Submitted,

Kelly R. Hepler, Department Secretary