



## **AGENDA *revised***

### **Game, Fish and Parks Commission**

January 10-11, 2019

RedRossa Convention Center

808 W. Sioux Ave, Pierre, SD

Livestream link <http://www.sd.net/home/>

#### **Call to order 1:00 PM**

##### **Division of Administration**

###### Action Items:

1. Conflict of Interest Disclosure
2. Approve Minutes of the December 2018 Meeting  
<https://gfp.sd.gov/commission/archives/>
3. Additional Commissioner Salary Days
4. Election of Officers

###### Information Items:

5. Budget FY2020 Overview
6. Resident Nonresident Discussion
7. Department Sponsored Legislation for 2019
8. Non-meandered Waters
9. Ag Leaders Forum
10. Every Acre Counts

##### **Petitions**

11. Muzzleloader Antelope Season – withdrawn by Petitioner
12. Deer Tagging Requirements

##### **Proposals**

13. Turkey Transportation Requirements
14. Spring Turkey Archery Hunting

#### **Public Hearing 2:00 PM**

##### **Finalizations**

15. Deer Hunting Season Drawing Structure

##### **Open Forum**

### **Division of Wildlife**

Action Item:

16. Statewide Fisheries Plan Adoption

Information Items:

17. Fisheries Management Area Plan Overviews
18. CWD Management Plan Update
19. Farm Bill Update
20. Shooting Range Partnership Projects
21. Year-end License Sales Update

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

Action Items:

22. Custer State Park Private Cabin Transfer
23. Spring Creek Resort and Marina Concession Lease

Information Items:

24. Lake Hiddenwood Update
25. Emerald Ash Borer Preparation Efforts in State Parks
26. Palisades State Park Land Donation Update
27. Revenue, Camping and Visitation Report

### **Solicitation of Agenda Items from Commissioners**

### **Adjourn**

Next meeting information:

February 28 – March 1, 2019

Ramkota Hotel & Convention Center

920 W Sioux Ave, Pierre, SD

GFP Commission Meeting Archives <https://gfp.sd.gov/commission/archives/4/>

Minutes of the Game, Fish, and Parks Commission  
December 6-7, 2018

Chairman Barry Jensen called the meeting to order at 1:05 p.m. CT at Ramkota Convention Center in Pierre, South Dakota. Commissioners Barry Jensen, Gary Jensen, Mary Anne Boyd, Jon Locken, Cathy Petersen, Scott Phillips, Russell Olson and Douglas Sharp and approximately 35 public, staff, and media were present.

**DIVISION OF ADMINISTRATION**

**Conflict of Interest Disclosure**

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

**Approval of Minutes**

B. Jensen called for any additions or corrections to the November 1-2, 2018 minutes or a motion for approval.

Motion by Peterson with second by Sharp TO APPROVE THE MINUTES OF THE NOVEMBER 1-2, 2018 MEETING. Motion carried unanimously.

**Additional Commissioner Salary Days**

Commissioner Locken requested one additional salary day for participating in the CWD workgroup.

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

**Code of Conduct**

Chris Petersen, administration division director, presented the code of conduct and conflict of interest policy for use by all state boards and commissions. In follow up from the previous Commission meeting where Petersen explained to the Commission the executive branch of state government has been working through this document and are now looking for boards and commissions to adopt or adopt with modifications. The Commission reviewed the document and does not recommend any modification at this time.

Motion by G. Jensen, second by Boyd TO ADOPT THE CODE OF CONDUCT. Motion carried unanimously.

**Non-meandered Waters**

Kevin Robling, special projects coordinator, provided an update on non-meandered waters stating 4,280 acres have been marked closed to public recreational use. This is less than 2 percent of the publicly-accessible nonmeandered water acres across the state and down from the peak of over 5,000 nonmeandered water acres closed in March 2018. The department's goal is to continue providing recreational opportunities for families and outdoor enthusiasts who enjoy South Dakota's great outdoor resources, while also addressing concerns of landowners who own the land under the water. The "Recreation and Respect" campaign and the "Adopt-a-Lake" program have been front and center. With

ice fishing season around the corner the department has been strongly encouraging recreational users to “leave no trace” and pick up all garbage.

B. Jensen asked if the buoys show up well when the lakes freeze over.

Robling responded that when they freeze over most people use signs connected to wooden posts or 5 gallon buckets. He also noted all maps are updated on the GFP mobile app so they are accurate and up to date for users.

### **Ag Forum**

Arden Petersen, special assistant to the secretary, provided a brief update to the Commission regarding the upcoming Agricultural Leaders Forum. The Ag Forum will take place at SD Corn’s Office in Sioux Falls on December 18th. Approximately 50 folks from different agricultural groups were invited and around 15 -20 are expected to attend based upon RSVP’s. The Ag Forum is the fourth and final in a series of forums GFP hosted in 2018, and will lead up to the Conservation Summit later this winter.

1. Sportsmen/Sportswomen Forum - held in Oacoma in April, 2018
2. Shooting Preserve Operators Forum - held in Pierre in July, 2018
3. Wildlife and Nature Forum - held in Pierre in October, 2018
4. Agricultural Leaders Forum - held in Sioux Falls in December, 2018
5. Conservation Summit – location and date yet TBD

As in all of the forums, discussion at the Ag Forum will include: Sustainable Habitat, Sustainable Funding for Habitat, Public Access, Recreation and Respect, Collective Conservation Voice, and other topics of interest to the attendees.

B. Jensen said the Ag community is critical in habitat and conservation efforts and asked if invitations have gone out and how many attendees.

Petersen said invites when out to approximately 54 individuals just before Thanksgiving and reminders went out this week.

B. Jensen said commissioners are welcome and encouraged to attend.

### **Resident Nonresident Discussion**

Scott Simpson, wildlife administration chief, provided an update on the resident/nonresident opportunity allocation discussion. The work group identified by the commission will meet on December 17th at 1:30 in the Matthews Training Center. This diverse group of citizen stakeholders and other government agencies are being asked to assist the Commission in having an informed, thoughtful public discussion on an increasingly sensitive subject of allocating hunting and fishing opportunities for residents and nonresidents. The stakeholder group will assist the Commission in developing criteria for making fair, reasoned, and balanced decisions when allocating this opportunity. The Stakeholder Group will assist the Commission and Department by offering insight, ideas, and alternatives that will be considered by the Commission in developing criteria for allocation decisions. Background materials, including hunting/fishing participation, frequency of license purchase and sales trends, have been provided to the group in preparation for the meeting.

G. Jensen informed the public they are encouraging everybody not just the workgroup to tell us what they think about criteria. In addition to the workgroup they have also reached out to approximately 50 sportsmen groups asking for their input to be considered. We are working to identify criteria which will be developed to be used to make allocations so it is very important for people to provide input.

### **Strategic Plan Update**

Emily Kiel, communication director, provided the Commission an update on the strategic plan. She reviewed the purpose of the plan as well as the mission, vision, goals and values. Kiel noted the work completed at the fall review session and detailed strategic priorities of the agency and listed completed priorities. Next steps include progress updates that are completed every 3 months and meeting each spring and fall, documentation and implementation as well as necessary communication and education activities.

### **Communications Staff Overview**

Kiel provided a powerpoint on the key responsibilities of the communications staff within GFP including strategic communications, media/public relations, social media, internal communications, marketing and more. She detailed the roles of each staff person and their commitment to excellence.

### **Deer License Allocation**

B. Jensen asked staff to confirm the process that the Commission and GFP went through to present that this rule change did not have any violations.

Tony Leif, wildlife division director, responded that the committee did not point to any flaws in the process or in authority. The people who contacted the commission with their concerns also contacted the IRRRC members which they noted and could be the basis for their decision.

B. Jensen said so we have not received a formal basis for returning the rules

Leif said the IRRRC members noted their concerns with the rule change individually but nothing was stated regarding the process or authority and the department has not received formal reason for their decision.

B. Jensen asked what the basis of the decision of the IRRRC was.

Leif explained codified law lays out nine criteria by which IRRRC can send proposed rules back to an agency. It is up for debate or discussion that they selected the criteria that references the rule was not a reasonable implementation of the law as it affects the convenience of the general public or persons likely affected by the proposed rule.

B. Jensen responded that until you know what is wrong with the rule change it is very hard to revise anything when you do not have reason or basis from the committee as to why it was rejected. What is to say we submit it again and they still do not like it and reject it again even though we followed all of the necessary steps. He then asked when a response is expected from the IRRRC.

Leif said it is not certain and we do expect to get minutes but will not receive them until April when a new committee convenes.

Phillips asked if we can request something in writing from IRRC

Olson said by the time we banter back and forth with questions they will be defunked as a committee and will have a new composition. We should make this request to LRC. What was the goal of making changes to the deer allocation system? People say we lost the battle because it takes too long to explain so we need a clear and simple way to explain the change

Robling said the reason for the change is to get every deer hunter who applies for Black Hills, East River, West River and Muzzleloader deer seasons the best opportunity to get their preferred deer license more often.

Olson said I believe we did that and the numbers are there. People have asked why we are in support, which is to enhance opportunities to all sportsmen including youth. People say we need to hook our youth earlier so what can we do to amend this to enhance the youth opportunity and show the legislature that we went back to the table to improve the youth opportunity? I would even give up an opportunity from my pool to give a youth their first opportunity. Also still a lot of pain to find a happy medium with nonresidents as we depend on the revenue from nonresidents but when they come before resident's people do not like it. Is there a way we can give residents a better opportunity for leftover licenses prior to nonresidents. These two things may go a long way to help the legislature find this more favorable

B. Jensen if we made changes to this as it is presently set would it require it to go through the public comment process

Leif, yes depending on the scope of the changes and how substantial they are. Per Olson's comments these would be substantial enough to warrant an additional public notice and hearing.

Phillips asked staff to bring suggestions tomorrow to possibly amend and let the commission know which changes would be within the scope or outside and need a public notice and hearing.

Robling explained there are over 52,000 deer hunters with just over 16,000 applying for two or more seasons. With the changes in license allocation this increases draw probabilities allowing an additional 3,500 residents the opportunity to hunt deer each year.

Phillips asked for clarification on changes that have been made for nonresident that they have already moved from second to third draw

Robling explained under current allocation, licenses are pooled for residents and nonresidents after the second draw. Under proposal passed by Commission the nonresidents were pushed back until after the third draw and pooled in the fourth draw.

Sharp noted we are hearing people complain that nonresidents are getting a preference when that is not the case.

Robling said yes there likely would not be more nonresident licenses sold when their opportunity is more restricted only allowing them to pick up one leftover license through the fourth draw. Therefore not being a revenue generator as we would sell fewer preference points and limit nonresident opportunity.

Olson noted the need to target ages 12-16 as discussed in R3 Recruitment, Retention and Reactivation objectives and goals.

Locken asked what voice the landowner had in this process?. If you just get input from hunters they will give you one answer you may get another answer from a different group. I can't think of any family member we have that would want people hunting on our land that already have 3 licenses. We prefer to provide opportunity to youth and new hunters.

Robling noted a lot of discussions did focus on the deer hunters, but all South Dakotans have a voice in this issue. He noted all the public input that was gathered through the 2010 East/West River Deer Hunter Survey, 2010 Black Hills Deer Hunter Survey, 2014 Deer License Allocation Landowner and Hunter Survey, 2016 Deer Stakeholder Group 5 meetings, 2016 Deer Management Plan Public Input, 2018 Deer License Allocation 9 Focus Groups, 2018 Deer License Allocation Online Video and Questionnaire, and numerous outreach and education from July 11, 2018 – December 7, 2018

B. Jensen - one thing that is clear this proposal had a lot of misunderstanding from the beginning. For some reason people cannot comprehend the scope which is legitimate. To get people their preferred option. The commission is willing to look at alternatives to possibly make it more palatable to the public, but would still like a reason as to why. Have heard rumors of legislative pursuit.

Leif explained the authority granted to the commission is by state statute so ultimately the Governor and full legislature have the authority.

B. Jensen asked for comments from the rest of the commission on their thoughts on amending the proposal

Boyd said she believes this issue was carefully thought out and that public is important but sometimes may be short sided. She liked the suggestion mentioned by Olson to further support youth opportunity.

Phillips also like the youth opportunity and would like to take a look at amendment for youth and nonresident changes. Asked staff for information including numbers to let the commission know how many people would be affected. Note we have nonresident landowners who cannot get a license to hunt their owner property.

Sharp said he is reluctant to make changes and thinks we should table this to have more thoughtful discussion not sure if we would have the info we need to discuss this in the morning.

Locken asked what would be the timeline for implementation.

Leif said there is not a clock ticking on a decision. There are rules pertaining to filing an approved rule with Secretary of State. If the commission chooses to repropose or make changes there would be another 30 day period for comment.

Olson said this has had plenty of time for review and public comments. He asked staff for information to help in discussion tomorrow. We have people listening in live and we are hearing from people before we even vote. We need to get a plan in place before the next draw.

B. Jensen stated the discussion will be tabled for the day and asked that GFP staff bring forward information on the items the Commission brought forward today for discussion tomorrow and at that time a decision can be made to amend or table to a future meeting.

## DAY 2

Robling and Leif presented a power point and action sheet with the information requested by the Commission to aid in providing deer hunters their preferred choice. They worked with Commissioners Phillips and Olson to formulate changes which included moving the pooling of leftover licenses, making them available to nonresidents until after the fourth draw, giving youth a bonus preference point and waiving all preference point fees for youth.

Olson said he is confident we attained this goal two months ago when this was passed. With this being sent back from IRRRC we have reviewed and are providing ways to further enhance that especially for youth and residents. It is also clear this is not about the money. This gets youth engaged and involved. Fully supportive and interested in taking action to move these changes forward.

Phillips said he appreciates the work done by GFP staff. Thinks this work is a good addition to the work that has been done and supports these changes.

Peterson asked to further explain youth preference point fees.

Leif responded yes the points they purchase if they are under 16 years of age are free, which would be a possible revenue loss because fewer people may purchase points and fewer nonresident license may be sold as the system restricts nonresident opportunity.

B. Jensen asked what happens to points once they are no longer youth.

Leif explained the applicant will continue to retain those points until they utilize them to receive a license even as an adult.

Phillips asked if a youth applies for several seasons do they get preference points for all they apply for?

Leif said anytime a youth age 15 or younger seeks a point for any of these 4 seasons they will get a free preference point and a one-time bonus point the first time they apply for that season.

Peterson said our hope is to allocate more opportunities. Many have approached her saying they will now have an opportunity as they could not get one when others had three. This will provide enhanced opportunity to residents and now even more so for youth.

B. Jensen said this clearly gives an enhanced opportunity to youth hunters. So we have a proposal for commission action that would then go out for 30 days comment

Leif said the rules would go through the same process as all previously adopted rules by the commission as they have not been filed and they were not finalized through IRRC.

**B. Jensen said that allows the public to comment on any aspect of the proposal**

1. Create a combined drawing for the Black Hills, East River, West River, and Muzzleloader deer hunting seasons where each applicant may submit only one application.
2. Modify the leftover license allocation process for the seasons in the combined deer drawing:
  - a. In the second draw, an applicant may not apply for a leftover license if the applicant obtained a license for any of the Black Hills, East River, West River and Muzzleloader deer seasons in the first draw.
  - b. In the third draw, leftover licenses are no longer pooled in a combined drawing and an applicant may submit one application for each season for which they do not possess a license. Only those nonresidents without a license may apply for a license remaining in pools originally designated (8%) for nonresidents (BHD and WRD).
  - c. In the fourth draw, licenses remain segregated in their respective seasons and residents may submit up to five applications. Only those nonresidents without a license may apply for a license remaining in pools originally designated (8%) for nonresidents (BHD and WRD).
  - d. After the fourth draw, all remaining resident and nonresident licenses would be pooled and sold first-come, first-served. There will be no limit on the number of licenses that a person can acquire (like it is currently).
3. Allow applicants to use preference points for both 1<sup>st</sup> and 2<sup>nd</sup> choices in draws one through three. First draw applicants must use preference points for their first choice selection (as is currently required). An applicant who uses preference to acquire a license in a season may not purchase a preference point for that season.
4. Preference points for a combined deer drawing shall be issued without cost for any hunter that is or was age 15 or younger during the calendar year when the preference point is acquired.
5. An first-time applicant for a combined deer drawing that is or was age 15 or younger in the calendar year of the drawing shall receive a bonus preference point for that drawing.

Drawing	Resident	Nonresident
1 and 2	Maximum of 1 license in ERD, WRD, BHD, or MZD	Maximum of 1 BHD or WRD license
3	Maximum of 1 license in <u>each</u> of the WRD, ERD BHD and MZD seasons.	
4	Maximum of five additional licenses for a maximum total of nine licenses.	
<i>Leftover Resident and Nonresident Licenses Pooled</i>		
5	Unlimited. First-come, First-served	Unlimited. First-come, First-served

Motion by Olson, second by Phillips TO MODIFY THE DEER HUNTING SEASON DRAWING STRUCTURE PROPOSAL WHICH WOULD POOL LEFTOVER LICENSES AND MAKE THEM AVAILABLE TO NONRESIDENTS AFTER THE FOURTH DRAW, PROVIDE A BONUS PREFERENCE POINT FOR YOUTH, AND WAIVE THE PREFERENCE POINT FEE FOR YOUTH 15 OR YOUNGER. Motion carried unanimously.

## **OPEN FORUM**

Chair B. Jensen opened the floor for discussion from those in attendance on matters of importance to them that may not be on the agenda.

Matt Rippentrop, Hot Springs, SD, spoke in regards to innovative actions of SD GFP staff in regards to big horn sheep. He explained there are exciting new projects just around the corner. He also commented on the auction license.

Nick Falk, Harrold, SD, spoke as a request of his father Alex Falk wanting a study group for Missouri River Refuge review.

Josh Lieberman, Pierre, SD – no comment

Jedrey Baumann, Pierre, SD provided the Commission a handout in regards to his concerns for the Missouri River Refuge. He expressed concern for the short notice of the public meeting and asked that no action be taken until a group can get together to review data.

Larry Stephen, Pierre, SD, said he represents SD migratory waterfowl association. He said a lot of membership feel snowballed as there was very short notice of the meeting. The response at the meeting is people want to improve numbers and make sure it is done correctly. Said he has seen a bunch of data that he feels can be manipulated. Wants it broke up into different sections. Stephen said he has spent more time studying waterfowl then anyone in the room and wants to do what they can get to get numbers back.

## **DIVISION OF WILDLIFE**

### **Transfer of Schurman Property from Parks and Wildlife Foundation**

Paul Coughlin, habitat program administrator, provided a request to accept the donation of the Schurman Property located in Codington County. The property consists of 520 acres to be utilized as a game production area for wildlife habitat management and public hunting access.

Motioned by Sharp, second by Phillips TO ADOPT RESOLUTION 18-09 (APPENDIX A) AUTHORIZING THE TRANSFER OF THE SCHURMAN PROPERTY TO GFP FROM THE SD PARKS AND WILDLIFE FOUNDATION. Motion carried unanimously.

### **Bighorn Sheep Auction License**

Tom Kirschenmann, wildlife deputy director, presented the application letter and supporting information provided by the Midwest Chapter of the Wild Sheep Foundation wishing to be selected to auction a bighorn sheep license. It was explained that the supporting information included all the required information detailed in rule and that no

other organization submitted an application letter. Kirschenmann provided an explanation and example expenditures for the funds raised with previous auction license sales and what future expenditures are planned. In particular, it was shared that a significant amount of the available funds will be used for on-going efforts to research and removal of sheep that are considered pneumonia shedders in an effort to eliminate the number one limiting factor of sheep populations.

Motioned by Phillips, second by G. Jensen TO APPROVE THE ADMINISTRATIVE ACTION GRANTING THE REQUEST FROM THE WILD SHEEP FOUNDATION – MIDWEST CHAPTER TO OBTAIN A BIG HORN SHEEP AUCTION LICENSE. Motion carried unanimously.

### **Missouri River Refuge Review Update**

Robling and Mark Ohm, wildlife regional supervisor, presented the Commission information on the Missouri River Refuge Review explaining that providing outdoor recreational opportunities and simplifying regulations has been a top priority for the Department. As a result, a thorough evaluation of all state waterfowl refuges on the Missouri River is being conducted and an internal work group was tasked to draft a set of criteria for the Commission to use when considering refuge change requests. After several internal meetings a public meeting was held at Drifter's Conference Center in Ft. Pierre on December 4th to present these criteria and take public input on any other criteria or facts that should be considered in this process. (APPENDIX E criteria)

The public meeting was very well attended with estimates of 80-100 people in attendance. Throughout the meeting it was made clear that many in attendance were upset about this review and felt that the public had been excluded from the conversation.

It was decided to take a step back and form a public taskforce to assist in developing the criteria and discussing the future of the waterfowl refuge system on the Missouri River. The timeline for recommendations from the department was pushed back to the July 2019 meeting.

G. Jensen asked when these were designated refuges.

Ohm responded these were all designated under administrative rule and therefore we have the dates the rules were adopted and amended but it does not state what the modification were.

G. Jensen asked what criteria was used when these were designated

Ohm said some were a request from the public with little input and that they were created for different reasons with no set criteria.

G. Jensen noted the commission hears from time to time there are too many geese in one area and not enough in another.

Ohm concurred.

Robling stated there are many potential variables such as food sources, precipitation and how these things have changed over the years which make it difficult to narrow down variables but regardless birds need open water and a food source.

G. Jensen asked what we can do as part of our management plan to fix this.

Robling responded some refuges are getting high use, but migratory patterns are difficult to predict as these birds are migrating long distances and weather plays a major role.

Sharp thanked staff for their efforts and noted they have been working on this for a year, but we need to understand that it takes time for people to digest this information and come to an informed conclusion. He said staff are doing a good thing by taking a step back.

Peterson asked how the flyway over the eastern part of the state affects whats happening over the Missouri river.

Robling explained birds have definitive flyways, but do cross over into different flyways if food and open water resources are limited. It has been 33 years since the task force met and recommends pushing the timeline back to work with the public directly.

### **Statewide Fisheries Plan Revision**

John Lott, fisheries chief, informed the Commission the department is revising the statewide components of the Fisheries and Aquatic Resources Adaptive Management System for the 2019-2023 period. Specific accomplishments of the 2014-2018 plans were reviewed. For the 2014-2018 Statewide Fisheries Program plans, 63% of the objectives were completed and 20% were partially completed. Objectives for 2019-2023 were presented with the highest priorities being to identify addressing hatchery infrastructure and fish rearing expansion needs, Implement the aquatic habitat plan, establish standardized statewide fish sampling protocols, and to continue to improve utility of the fisheries data management system, especially for creel surveys. The draft 2019-2023 Statewide Fisheries Program plans will be made available for public comment between the December and January Commission meetings, input received will be used to revise the plans, and the Commission will be asked to adopt the revised plan at their January meeting.

### **AIS Surface Water User Summit**

Mike Greiner, fisheries biologist, provided information on the one-day summit being hosted by GFP on December 13 in Yankton for surface water users that may be impacted by current or future dreissenid mussel infestations. Zebra mussels have infested Lewis and Clark Lake and the Missouri River immediately below Gavins Point Dam since 2015. While these mussels can negatively impact recreation, tourism, aquatic biodiversity and water quality, the biggest impact of zebra and quagga mussels is the economic impact on surface water infrastructure. Mussels clog intake and delivery pipes, infest hydropower infrastructure, foul dam intake gates and pipes, and drastically increase operational costs. The cost of mitigating for dreissenid mussels has been more than \$5 billion in the Great Lakes alone. Effective and decisive actions and support are needed from water management entities at all levels, including state and federal agencies, tribes, private water districts, irrigators and concessionaires to prevent new introductions, slow the spread, and to rapidly respond to a new infestations.

This summit will provide attendees with information on potential mussel impacts to surface water systems and methods that have been used to address these impacts, with a goal of fostering communication, support, and building partnerships to help education and outreach efforts and to instill best management practices to prevent introductions. We have lined up experts to speak on the latest research, operational solutions and case studies in treatments for dreissenids. There will also be talks on first hand experiences and lessons learned from the infestations here and elsewhere. Finally, we will have a talk on building effective partnerships as these water resources are often shared and the impacts felt by multiple entities.

We have invited roughly 260 key members of state agencies in Iowa, Nebraska, North Dakota, and South Dakota, Fish and Game Commissions, Federal agencies, tribal representatives, universities, politicians, lake associations, marinas and boat dealers, non-governmental organizations, municipalities, surface water superintendents, irrigators, and power companies.

Boyd said she is looking forward to attending and is glad to hear attendance numbers are up.

#### **Black-footed Ferret Update**

Silka Kempema, wildlife biologist, along with Scott Larson, supervisor, US Fish and Wildlife Service South Dakota Ecological Services Field Office, Pierre. Dustin Long, biologist, Turner Engendered Species Fund, Bozeman, Montana provided the Commission an update on the black-footed ferret. The black-footed ferret is closely associated with prairie dogs. Habitat conversion, prairie dog poisoning, plague and unregulated shooting have led to the decline of ferrets. Two of the last remaining populations occurred in Mellette County, South Dakota and Meeteetse, Wyoming. Captive breeding began in 1987 and continues. Plague remains a major conservation challenge to ferret recovery across the range. Many partners have contributed to the 30 ferret reintroduction sites in North America. Seven of those sites are found in South Dakota. SD GFP has both responsibility and authority to participate and assist in the recovery of the ferret as per SDCL 34A-8A and Section 6 of the Endangered Species Act. Relationships with neighboring landowners and partnerships with other agencies and organizations are two important conservation actions for the recovery of the ferret in the state. A minimum of 157 ferrets occur in the wild in South Dakota. The first ferret reintroduction on private lands in South Dakota occurred on Turner Enterprise's Bad River Ranch in central South Dakota. Ferret habitat enhancement began in the Ash Creek area on the ranch in 1999 in anticipation for a ferret release. A variety of prairie dog control activities are also conducted adjacent to neighboring landowners. Plague epizootics occurred in 2012 and 2018 at the Bad River site and disease management will continue to be a recovery challenge to this and other sites across the range.

#### **Environmental Review Program Update**

Hilary Meyer, environmental review senior biologist, provided information on the environmental review program playing a vital role in conserving our state's outdoor heritage by promoting responsible and sustainable development of South Dakota's resources. This program includes three staff; a senior biologist located in Pierre (Hilary Meyer) and two wildlife biologists in Rapid City (Stan Michals and Shelly Deisch). We provide information on rare, threatened, endangered and other non-game species and conservation strategies to preserve habitat these species depend on. We provide reviews

for other state agencies, federal agencies, developers, local governments and private citizens to evaluate impacts of projects to our states wildlife and fisheries resources. The environmental review staff evaluates a variety of activities such as: road construction, energy development, municipal utilities, communications infrastructure, housing developments, mining operations and much more. We also provide review for internal projects such as state park development and improvements as well as habitat restoration projects and installation of boat ramps and fishing access structures (piers, fishing pods, etc.). Input from Game, Fish and Parks experts, including aquatics, terrestrial and parks staff, help us paint a more complete picture of how a project may impact our states natural resources. The environmental review program helps fulfill our state-wide mission to manage wildlife and their habitats, for their ecological values and enjoyment by the citizens of South Dakota and its visitors.

### **Walk-in Area Program Update**

Mark Norton, hunting access and farm bill coordinator, said there are over 1.4 million acres of private land in GFP public hunting access programs. The GFP strategic plan has a goal to add 200,000 acres of quality private land hunting access to public hunting access programs by 2020. Since 2016, GFP has added 56,288 acres of private land to its public hunting access programs. GFP primarily uses 34 conservation officers, 3 resource biologists, 12 partnership funded biologists and one program coordinator to deliver the access programs. Land that provides justifiable hunting opportunity determined by the local staff that evaluates it at the time it is signed up for an public hunting access program and is accessible from a public road is eligible for an access program. Conservation officers monitor use during the hunting season and help determine if the land should remain in the access program. The access programs are reviewed annually by the access committee made up of conservation officers, habitat biologists, regional supervisors, and GIS staff.

SDCL 20 -9-12 to 18 provides limited liability for landowners who lease land to the state for outdoor recreational purposes. Walk-In Areas (WIA) annual payments range from \$0.53/ac to \$10 ac with higher payments for undisturbed habitat in portions of the state with pheasant hunting opportunity and closest to human population centers. In 2018, just less than 1.3 million acres were in the WIA program, which added 44,000 acres from 2017. Maximum annual payment amount will be \$2,329,417. WIA lease payments are covered 75% PR funds and 25% hunting license sale revenue. Since 2011, GFP has utilized over \$2.4 million in grants from the Voluntary Public Access and Habitat Incentive program to pay upfront signing bonuses to over 500 landowners to place over 96,000 of habitat created by farm bill conservation programs like CRP in the WIA program for an average of 9 year terms. In 2018, \$684,747 was paid to 104 landowners to enroll 24,605 acres of habitat.

The Aberdeen Pheasant Coalition started providing local incentives (\$25/ac) on top of GFP payments to enroll new CRP fields in WIA in 2016. Since then they have now incentive the enrollment of over 3,000 acres of CRP across 26 different sites in Brown County. The communities of Mitchell and Brule/Lyman counties started offering similar incentives in 2018 and have done so on two sites a piece this year.

In 2009, GFP started offering new type of WIA, called a COOP. COOPs lease whole farm units and allow driving on harvested cropland for waterfowl decoy placement and retrieval and for disable hunter permit holders. Annual payments are either \$2 or \$3/ac depending on if 20% of the acres offered are undisturbed habitat. A signing bonus is also offered to

encourage multi-year contracts. In 2018, nearly 70,000 acres were enrolled as COOPs with an average payment rate of \$2.64/ac.

There are currently 80,783 acres enrolled in the James River Watershed CREP. GFP pays about \$3 million annual to participants. All acres are enrolled in CRP and open to public hunting and fishing access. As CRP acres expired since 2007, the addition of CREP has increased the % of CRP land open to public hunting access from 13% to 26% in 2017.

The Controlled Hunting Access Program (CHAP) has been active since 2009. This program allows landowners to limit the number of hunters that can hunt their property per day and payments are determined by the number of hunters that use the property. Payments range from \$6 to \$10/hunter/day. In 2018, 13 different CHAP areas exist on over 23,000 acres.

In 2016, GFP identified nearly 300,000 acres of public land owned primarily by the SD Office of School and Public Land and the US Bureau of Land Management that was not publicly accessible. The GFP strategic plan identifies a goal to increase public land hunting access by 50,000 acres by 2020. One of the strategies to meet this goal is by working with private landowners adjacent to these land locked public lands to create public access to them. GFP prioritized this effort in 2017 and in 2018 unlocked 9,445 acres while enrolling over 20,000 acres of adjacent private land in the WIA program.

Private land leased for public hunting access is depicted in the GFP Public Hunting Atlas which is annually printed and available statewide and license vendors. It is also digitally available through on-line maps, GFP Outdoors & Avenza app, for Garmin GPS units, for Google Earth, and to be downloaded and printed. New for 2018, WIAs with undisturbed habitat like CRP, wetlands, trees and shrubs are outlined and green to help hunters more efficiently find those areas. GFP also created WIA FAQs for hunters and posted them on the website and increased social media messaging around new WIA enrollments and the FAQs.

GFP plans to send letters to landowners state-wide to inform them about the public hunting access programs and our focus on unlocking public lands in January/February of 2019.

### **River Otter Update**

Kempema provided an update on the river otter which is a state threatened species, Species of Greatest Conservation Need and monitored by the SD Natural Heritage Program. As per SDCL 34A-8A, SDGFP is responsible for the conservation of endangered, threatened, and nongame species of wildlife. Also per SDCL 34A-8A, a status review of this species was conducted in 2017. A river otter conservation and management plan was finalized in 2012. One important objective in this plan was to develop delisting criteria. Basins (watersheds) were used to identify the recovery area which encompasses approximately the eastern quarter of South Dakota. The recovery area was further divided into subbasins. Within this area, the following criteria are to be met before delisting of the river otter will be recommended 1) Within each basin in the recovery area, 40% of its subbasins should have at least one verified report of river otters for 2 of the 5 years prior to recommending delisting and 2) three basins in the recovery area should have at least one verified report of reproduction for 2 of the 5 years prior to recommended delisting. Delisting criteria have not been met. Continued collection of river