

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 IRRC 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 IRRC 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 IRRC was.

Leif explained codified law lays out nine criteria by which IRRC 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 IRRC.

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 IRRC 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 1st and 2nd 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 each 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

otter reports and necropsy of incidentally trapped or road killed otter in concert with surveys focused in subbasins within no or few verified otter reports are planned for the winter of 2018-2019. Development of a long-term, state-wide monitoring plan is underway.

License Sales Update

Simpson provided an update on license sales for 2018 as they are substantially complete. 2019 licenses will begin to be sold on December 15, 2018. As of Nov. 29, nonresident small game sales appear to be tracking up about 3% while resident small game sales appear to be substantially unchanged from 2017. Resident combination licenses are down about 3% and resident annual fishing licenses are also down about 7%. Final numbers, along with some additional information on big game license sales, will be presented at the January commission meeting.

DIVISION OF PARKS AND RECREATION

Lewis and Clark Concessionaire Prospectus

Al Nedved, parks and recreation assistant director, presented the Commission with a resolution for Lewis and Clark Resort located at Lewis and Clark Recreation Area. Jeff Wahl, current concessionaire, issued his intent to sell earlier this fall. The Commission approved a prospectus and it was issued on November 2, 2018. It closed on November 30, 2018. One proposal was received from Michael and Valeri Grave. Their proposal meets the terms of the prospectus and draft concession lease, proof of financing has been verified, and Michael has been involved in the management of L&C resort for several years. Their proposal did not recommend any changes to the draft concession lease as advertised. Nedved recommended approval of the resolution which would authorize the termination of the existing concession agreement with current concessionaire since it was not expiring. It also approves the selection of Michael and Valeri Graves as the successor concessionaire. It also approves the draft concession agreement and authorizes the Department to execute agreement.

Motion by Olson, second by Sharp TO ADOPT RESOLUTION 18-10 (APPENDIX B) TERMINATING THE EXHISTING LEASE WITH LEWIS AND CLARK CONCESSION AND APPROVING THE NEW LEASE BASED ON TERMS. Motion carried unanimously.

Roy Lake Resort Prospectus

Nedved presented the Commission with a resolution for Roy Lake Resort in Roy Lake State Park. The latest prospectus was issued on September 10, 2018, and closed on November 30. No proposals were received. Therefore it leaves two issues to address. First, is the expiration of the existing lease. The second is proceeding with the reissuance of the prospectus. Nedved stated that Jan and Charles Thames have requested a one-year extension of the current lease or until a successor concessionaire is found. Nedved requested authorization of the resolution that authorizes the Department to reissue the prospectus and authorizes the Department to enter into a lease extension consistent with the terms of the current lease until a successor to concession is found or not to exceed one year.

Motion by Peterson, second by G. Jensen TO ADOPT RESOLUTION 18-11 (APPENDIX C) AUTHORIZING THE DEPARTMENT TO ISSUE AND ADVERTISE A PROSPECTUS FOR ROY LAKE. Motion carried unanimously.

Palisades State Park Land Donation

Nedved and Sean Blanchette, Executive Director of the South Dakota Parks and Wildlife Foundation, presented the Commission with a resolution that would facilitate the transfer of 79 acres of property adjacent to Palisades State Park. Nedved gave some background on the park. Palisades is only 157 acres which makes it one of the smallest state parks. However, it is near Sioux Falls and it gets nearly 90,000 visitors and over 5,000 camping units. It has some of the highest camping occupancy in the state. The acquisition contains one half mile of Split Rock Creek, native prairie, and rock formations that would provide additional recreational opportunities. Blanchette provided that the opportunity to purchase the property came from the estate of Ruth Cooley and the Foundation was able to negotiate a price for the acquisition of this property. The Foundation is scheduled to close on the property on December 14, 2018. If the resolution is authorized, the Foundation is prepared to transfer the property to the department on this date.

Motion by Phillips, second by G. Jensen TO ADOPT RESOLUTION 18-12 (APPENDIX D) TRANSFERRING 79 ACRES OF PROPERTY FROM THE SD PARKS AND WILDLIFE FOUNDATION TO GFP AS AN ADDITION TO PALISADES STATE PARK. Motion carried unanimously.

Volunteer Program Overview

Katy Hiltunen, parks and recreation program assistant, provided the Commission information on the state park volunteer program. She informed them that each year over 400 people donate their time to volunteer within the state park system in the months of May through September with on-site volunteers being provided a campsite during their service in exchange for 24 hours of work per person per week. She said the number of hours contributed annually ranges between 80,000 and 120,000. She also explained how the application and hiring process works and noted positions include those of hosts, attendants, maintenance, programs and events, visitor's center. Volunteers receive recognition items for their hours of service such as a current park entrance license for 24 hours of service and those with over 3,000 hours have their choice of a sweatshirt, apron or walking stick.

Olson said this is an outstanding program noting that even if we paid them \$8.50 we would save a million dollars.

Peterson said when she speaks to volunteers they always say how much they love what they do.

CSP Resort Repair and Maintenance Update

Matt Snyder, parks and recreation regional supervisor, and Josh Schmaltz, Regency vice president, Tom Biegler, Regency CEO and Ryan Flick, Regency operations manager, provided the Commission with the Custer State Park resort repair and maintenance update. They detailed the work completed for FY2018 at the State Game Lodge, Coolidge General Store, Legion Lake Lodge, Blue Bell Lodge and Sylvan Lake Lodge. Actual concession sales for 2018 totaled \$15,452,167 with a 5 percent repair and maintenance fund contribution and total completed expenditures were \$1,223,408.88.

Boyd inquired what the R&M fund generates annually

Schmaltz responded 5 percent annually so for 2018 \$772,608.

Biegler noted his appreciation of Commission and said Custer State Park is a jewel in state park system and is the one park every other state wants to be like. He said Regency has a good working relationship with staff.

CSP Buffalo Auction Results

Snyder presented the results of the 53rd Custer State Park Fall Classic Bison Auction in which 328 buffalo were sold. There were 44 registered bidders 26 in person and 18 online. 7 onsite bidders made purchases. Buffalo went to buyers from South Dakota, Minnesota, Colorado, Nebraska and Texas.

Revenue, Camping and Visitation Report

Nedved updated the Commission on camping, revenue, and visitation. There has not been much change since October, and Nedved informed that a more detailed year-end report would be presented in January. Overall, a slight decrease in camping of 2% and visitation of 1% is attributable to cool, wet weather in April and again in October. Otherwise the summer season was excellent with good numbers at Custer State Park following the fire.

Spring Creek Prospectus

Nedved presented the Commission with an update and request for action regarding the Spring Creek Marina and Resort at Spring Creek Recreation Area north of Pierre. A prospectus was issued on June 28, 2018. It closed on September 21, 2018. No proposals were received. Although the concession agreement expires on December 31, 2018, no agreement on temporary operation of the resort has been reached. Nedved stated that the lease agreement and the lease rules contain the process and options for operation and the Department would be looking at these provisions closely in the event that the concessionaire does not elect to continue operations while a new concessionaire is being sought. Nedved also stated that the lease rules provide the Department cannot extend a concession lease for the purposes of securing a successor that materially deviates from the existing contract. Nedved requested that the Commission authorize the department to reissue the prospectus so that it may continue its obligation to find a successor while it works out the details of continuance options.

Motion by Boyd, second by Peterson TO REISSUE THE PROSPECTUS FOR SPRING CREEK. Motion carried.

Solicitation of Agenda Items from Commissioners

No agenda items were recommended

Adjourn

Motioned by Boyd, second by Phillips TO ADJOURN THE MEETING. Motion carried unanimously and the meeting adjourned at 11:56 a.m.

Respectfully Submitted,



Kelly R. Hepler, Department Secretary

Appendix A
RESOLUTION 18 – 09

WHEREAS, The South Dakota Parks and Wildlife Foundation owns real estate (Property) described as:

The Southeast Quarter (SE1/4) of Section 5; the West Half of the West Half of the Northeast Quarter (W1/2W1/2NE1/4), the Northwest Quarter (NW1/4), and the Southwest Quarter (SW1/4) of Section 9; all in Township 117 North, Range 51 West of the 5th P.M., Codington County, South Dakota., subject to any easements, restrictions, covenants, and reservations of record.

Whereas, pursuant to its wishes, South Dakota Parks and Wildlife Foundation desires to gift and transfer title to the Property to the South Dakota Department of Game, Fish and Parks (Department) for use as a Game Production Area; and

Whereas, the Department has evaluated and determined that the Property would serve very well as a Game Production Area, offering wildlife habitat, public hunting, and other wildlife related outdoor recreational opportunities; and

Whereas, the Department is authorized to accept gifts of property for Game Production Area as per SDCL 41-2-19 and desires to accept the gift of the Property upon confirmation of the gift by the Game, Fish and Parks Commission; and

Whereas, the Game, Fish and Parks Commission desires to acknowledge the Department's acceptance of this gift of property from South Dakota Parks and Wildlife Foundation for use as a Game Production Area, and further acknowledge the extreme generosity of South Dakota Parks and Wildlife Foundation.

NOW, THEREFORE, BE IT RESOLVED, that the Game, Fish and Parks Commission does hereby confirm the decision by the Department to accept the transfer and gift of the Property from South Dakota Parks and Wildlife Foundation to be used as a Game Production Area.

BE IT FURTHER RESOLVED that the Game, Fish and Parks Commission, on behalf of the citizens and sportspersons of South Dakota, does hereby acknowledge and express its deepest appreciation and gratitude to South Dakota Parks and Wildlife Foundation for its generosity, and further acknowledge the outdoor recreation opportunities this gift will provide to South Dakotans for many years to come.

Appendix B
RESOLUTION 18-10

WHEREAS, the current concessionaire at Lewis and Clark Resort located in Lewis and Clark Recreation Area, Dakota Hospitality Management, Inc., (Concessionaire) notified the Parks and Recreation Division of the South Dakota Department of Game, Fish, and Parks (GFP) of its intent to sell its assets and relinquish its rights set forth in the Amended and Restated Lewis and Clark Recreation Area Lodging Lease Agreement dated October 18, 2004, as amended; and

WHEREAS, as required by the regulations promulgated by the Game, Fish, and Parks Commission, the Department issued a prospectus on November 2, 2018 to solicit a successor concessionaire for a new ten year concession lease agreement; and

WHEREAS, since the issuance of the Prospectus for providing lodging services at Lewis and Clark Recreation Area on November 2, 2018 , GFP has been engaged in the solicitation of requests for proposals for the issuance of a new concession agreement at Lewis and Clark Recreation Area (New Concession Agreement); and

WHEREAS in response to its request for proposals, GFP received one viable proposal complete with proof of financing capability from Michael and Valeri Grave President and Vice President of Lewis and Clark Lodging, LLC (Lewis and Clark Lodging); and

WHEREAS, GFP and Lewis and Clark Lodging have negotiated the terms of a New Concession Agreement for Lewis and Clark Resort which will have a term of ten years, which is to commence on December 20, 2018 and expiring on December 31, 2028; and

WHEREAS, the existing Concessionaire desires for the Amended and Restated Lewis and Clark Recreation Area Lodging Lease Agreement dated October 18, 2004, as amended, to be terminated upon the completion of the sale of its assets to Lewis and Clark Lodging and agrees to the terms and conditions set forth in the Termination Agreement; and

WHEREAS, the Parks Division of GFP has presented the New Concession Lease and the Termination Agreement to the GFP Commission for its review and approval, and the GFP Commission has reviewed the terms of said agreements with Parks Division Director Katie Ceroll and legal counsel for the Department, and finds the terms and conditions set forth in said agreements to be acceptable and wishes to execute the New Concession Agreement and the Termination Agreement in regards to the existing Concession Agreement on behalf of GFP;

NOW, THEREFORE, BE IT RESOLVED, that the GFP Commission does hereby approve and accept the terms and conditions set forth in the New Concession Agreement (a copy of which said agreement is attached hereto and incorporated herein by this reference) to be entered into by and between GFP and Lewis and Clark Lodging;

BE IT FURTHER RESOLVED that the GFP Commission does hereby approve and accept the terms and conditions set forth in the Termination Agreement (a copy of which said agreement is attached hereto and incorporated herein by this reference) to be executed by GFP and the existing Concessionaire;

BE IT FURTHER RESOLVED that the GFP Commission does hereby authorize and direct Katie Ceroll, Director of the Division of Parks and Recreation of GFP, to execute both the New Concession Agreement and Termination Agreement hereinabove described in this Resolution on behalf of GFP.

Appendix C
RESOLUTION 18-11

WHEREAS, the current Concession Lease Agreement at Roy Lake Resort located in Roy Lake State Park dated January 1, 2004 expires on December 31, 2018; and

WHEREAS, as required by the regulations promulgated by the Game, Fish, and Parks Commission, the Department has issued prospectuses on November 9, 2017, March 5, 2018, July 12, 2018 and September 10, 2018 to solicit a successor concessionaire for a new ten year concession lease agreement; and

WHEREAS, the prospectus issuances have expired and have not yielded an acceptable proposal; and

WHEREAS, as further provided in the regulations promulgated by the Game, Fish, and Parks Commission, the Commission may extend the Concession Lease Agreement for one year at a time to allow for a successor Concessionaire to be found; and

WHEREAS, the current Concessionaire, Jan Pitzl (Concessionaire) is agreeable to a one year extension of the Concession Lease Agreement and has requested that the Commission authorize the issuance of a subsequent prospectus to include the same terms and price as the most recent offering; and

NOW, THEREFORE, BE IT RESOLVED, that the GFP Commission does hereby approve an extension of the current Concession Agreement for one year resulting in an expiration date of December 31, 2019;

BE IT FURTHER RESOLVED that the GFP Commission does hereby authorize the Department to issue and advertise a prospectus for Roy Lake Resort at the selling price of \$739,000 to include a draft concession lease containing the same terms and conditions as has been previously advertised to the public.

Appendix D

RESOLUTION 18- 12

WHEREAS, South Dakota Parks and Wildlife Foundation owns real estate (Property) described as:

That part of the Northwest Quarter of the Northwest Quarter of Section 31, Township 103 North, Range 47 West of the 5th Principal Meridian, Minnehaha County, South Dakota lying South of the Railroad Right of Way; Together with that part of the Southwest Quarter of the Northwest Quarter of Section 31, Township 103 North, Range 47 West of the 5th Principal Meridian, Minnehaha County, South Dakota lying South of the Railroad Right of Way; Together with the Northwest Quarter of the Southwest Quarter of Section 31, Township 103 North, Range 47 West of the 5th Principal Meridian, Minnehaha County South Dakota; and

WHEREAS, South Dakota Parks and Wildlife Foundation, Inc. desires to gift the Property to the South Dakota Department of Game, Fish and Parks (Department) as an addition to Palisades State Park; and

WHEREAS, the Department has evaluated and determined that the Property would serve very well as an addition to Palisades State Park; and

WHEREAS, the Department is authorized to accept gifts of property for park and recreational purposes per SDCL §§ 41-2-19 and 41-2-24;

NOW, THEREFORE, BE IT RESOLVED, that the South Dakota Game, Fish and Parks Commission does hereby authorize the Department to accept the gift of the Property from South Dakota Parks and Wildlife Foundation to be used as an addition to Palisades State Park.

BE IT FURTHER RESOLVED that the South Dakota Game, Fish & Parks Commission, on behalf of the citizens of South Dakota, does hereby acknowledge and express its deepest appreciation and gratitude to South Dakota Parks and Wildlife Foundation for its generosity, and further acknowledges the benefits this gift will provide at Palisades State Park.

Appendix E

Refuge Review Criteria

October 2018

Current Waterfowl Use: This is based on waterfowl observed in the immediate area of the refuge during aerial winter waterfowl counts. These numbers are the closest thing we have to a survey to show which refuges are being utilized by waterfowl. However, flights are not conducted on a consistent schedule on all areas of the river system, creating the potential to miss concentrations. Due to this potential each refuge is ranked as high, medium, or low use rather than using exact numbers. Each ranking includes one-third of the refuges.

Does the refuge provide local hunting opportunities: yes or no, and what type? This is a somewhat subjective criteria and is based on local knowledge of hunting activity in the area. We have tried to identify areas that provide field/decoy hunting vs. pass shooting. Any known commercial waterfowl hunting operations have also been included in opportunities provided.

Miles of shoreline protected from prevailing (Northwest) winds: This is an attempt to assess the amount of the refuge that provides shelter from a majority of winter weather, allowing waterfowl to loaf and relax between feeding.

Boat access: This identifies which refuges have boat ramps within them. If a refuge does not have a ramp contained in its boundaries, the distance the nearest ramp is provided. Easy access by boat may provide added opportunity for water based hunting. Boat traffic, whether hunting related or not, may be seen as detrimental to the purposes of the refuge.

Shoreline access: This identifies areas that have access via land. Areas with easy access may provide added opportunity by providing areas for pass shooting or decoy hunting along shorelines if refuge restrictions are removed.

Non-game use: Areas important to non-game species have been identified to the extent possible. This information is based on South Dakota Natural Heritage Database data for species monitored because they are rare or unique in the state and additional data collected on significant rare species concentrations, such as colonial waterbird colonies and wintering roosts for bald eagles.

Outside agreements: Some refuges may be affected by previous agreements with other entities. These agreements are identified here.

Safety issues: Any known safety concerns are identified here.

Type of refuge: waterline vs. take line refuge. A waterline refuge follows the water's edge. A hunter standing on shore pass shooting birds as they leave the refuge would be legal. A take line refuge includes the water and adjoining land up to the original Corps of Engineers take line, now our Title VI GPA boundary. No waterfowl hunting would be allowed on the public ground within the refuge boundaries.