

Minutes of the Game, Fish, and Parks Commission October 1-2, 2020

Chairman Gary Jensen called the meeting to order at 1:07 p.m. CT via conference call. Commissioners Gary Jensen, Travis Bies, Jon Locken, Russell Olson, Doug Sharp, Charles Spring, Robert Whitmyre. Public and staff were able to listen via SDPB livestream with approximately 125 participants and participate via conference call with approximately 60 total participants via zoom.

DIVISION OF ADMINISTRATION

Conflict of Interest Disclosure

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

Executive Session

Motioned by Olson with second by Whitmyre TO ENTER EXECUTIVE SESSION PURSUANT TO SDCL 1-25-2 (4) TO PREPARE FOR CONTRACT NEGOTIATIONS. Roll Call vote: Bies – yes; Locken – yes; Olson – yes; Sharp – yes; Spring – yes; Whitmyre – yes; Jensen – yes. Motion carried 7 yes and 0 no votes.

The Executive Session was held in a private room located at the AmericInn in Fort Pierre, SD. Commissioners G Jensen, Olson, Bies, Locken, Sharp, Spring and Whitmyre participated. Secretary Hepler, Attorney Kotilnek, Kevin Robling, Scott Simpson, Al Nedved, and Rachel Comes were present.

Motioned by Sharp with second by Olson TO CONCLUDE EXECUTIVE SESSION. Roll Call vote: Bies – yes; Locken – yes; Olson – yes; Sharp – yes; Spring – yes; Whitmyre – yes; Jensen – yes. Motion carried 7 yes and 0 no votes.

Approval of Minutes

Jensen called for any additions or corrections to the September 2-3, 2020 regular meeting minutes or a motion for approval.

Motion by Locken with second by Sharp TO APPROVE THE MINUTES OF THE SEPTEMBER 2-3, 2020 MEETING. Roll Call vote: Bies – yes; Locken – yes; Olson – yes; Sharp – yes; Spring – yes; Whitmyre – yes; Jensen – yes. Motion carried 7 yes and 0 no votes.

Additional Commissioner Salary Days

Spring requested one additional salary day for participation in the Elk Stakeholder work group.

Motion by Whitmyre, second by Sharp TO APPROVE THE REQUESTED SALARY DAY. Roll Call vote: Bies – yes; Locken – yes; Olson – yes; Sharp – yes; Spring – yes; Whitmyre – yes; Jensen – yes. Motion carried 7 yes and 0 no votes.

Revised Commissioner Handbook

Jensen noted current efforts to update the Commissioner handbook and requested any additional revisions be submitted so they can be applied prior to finalizing the book for the November meeting.

Commission Communications to the Public

Sharp requested additional details on Commission decisions include details and supporting comments as to why decisions were made to better inform the public. He noted this effort is in addition to the meeting recordings and minutes that are already available for the public

Pheasant Hunting Marketing Update

Jona Ohm, Communication Director and Kirk Hulstein, Tourism, provided information on Pheasant hunting marketing efforts in partnership with Tourism are moving along nicely. The plan's Key Performance Indicators (KPIs), which include license sales, traffic to the GFP website, email subscribers and social media followers are all showing increases. Signage is now in place in Scheels stores advertising the giveaway of a South Dakota pheasant hunt and gear.

The team has October video shoot dates planned for the Pierre area and is focused on bringing more diversity to our photo and video assets. We are also working with Huntstand on a long form video project that will focus on public land and small-town community involvement. Upon completion, it will be distributed across all channels. In addition, the tourism team was also able to secure time with Fox Outdoor Nation at the buffalo roundup. The outstanding experience led to filming a pheasant hunt with Governor Noem hunt at Paul Nelson Farms. It was a great opportunity for photo shoot and additional PR.

License Sales Update

Heather Villa, wildlife administration chief, explained the License Sales Update format has changed to include a 3-year average to compare current year numbers to. In comparison with the 3-year average, 2020 fishing license sales are up 14% and 2020 small game hunting license sales are up 9%. We have now collected over \$1 million in Habitat Stamp Funds. Comparing revenues of 2020 to the 3-year average, we are up in revenue \$900,000, not including Habitat Stamp sales.

Parks and Wildlife Foundation and 2nd Century Habitat Fund Updates

Lisa Weyer, executive director of the Parks & Wildlife Foundation and Second Century Habitat provided updates to the Commission.

Parks & Wildlife Foundation- Holding strategic planning session virtually October 7-8 to plan for the next 3 years. Board meeting to be held October 9 with future projects a topic on the agenda. Several department staff members will present projects to the Board.

Second Century Habitat Fund - Developing organizational website SDHabitatFund.org Hosted Habitat Day at the State Fair on Friday, September 4. Partnered with the Department and conducted two panel discussions: (1) Impact of Pheasant Hunting on the State of SD, (2) Why is habitat development important in SD. Received our first signed contract in the Every Acre Counts Program. We have reached our goal of

enrolling 5000 acres into the Working Lands Habitat Program. Currently have 5100 acres enrolled and have paid out \$765,000 in incentive payments.

Shikar Award Presentation

Secretary Hepler presented Tim McCurdy, district conservation officer, with the Shikar-Safari Club International Wildlife Officer of the Year. The award honors wildlife officers for their performances in wildlife protection, wildlife law enforcement, and in the implementation of wildlife conservation programs.

Act of Valor Awards Commission 2021 Meeting Schedule

Arden Petersen presented the following four men with Act of Valor awards from Game, Fish and Parks, as well as Awards of Commendation from the National Association of State Boating Law Administrators (NASBLA) for their role in a life-saving event last spring.

- Pat Thompson - SDGFP Regional Park Supervisor
- Pat Redden - SDGFP Maintenance Technician
- Austin Schmitz - SDHP Sergeant
- Mark Schaefer - Good Samaritan from Pierre

The four men teamed up to rescue a 66-year old man from frigid Lake Sharpe waters after he capsized his kayak on April 17th. The man had been in the water for 20-25 minutes and was not wearing a life jacket. Had it not been for the quick actions of these four individuals, the outcome undoubtedly would have been much different.

PETITIONS

Tom Kirschenmann, wildlife division director, provided information on the petition process and options available for commission action.

Elk Landowner Tags

Steve Cherkas, petitioner explained he is hoping for an option for you to hunt elk on your own land opposed to your own land within the unit.

Olson noted it is historical for the stakeholder groups to not make changes such as these until the plan has been finalized by the stakeholder group.

Locken there are not many quarters that are 160 acres they may be a few more or less. Need to look in the future if someone is the only owner of a quarter of land, we may want to consider it the full number of acres

Spring if we consider the elk deal and knocked it down to some units it would be a huge change.

Jensen and Kirschenmann noted this discuss has happened many times over the years. And what the minimum change in acreage would mean to the limited number of resources and tags.

Sharp noted nonresident landowners should also be part of the discussion explaining that some landowners just live across the border.

Motioned by Bies, second by Spring TO DENY THE PETITION. Roll Call vote: Bies – yes; Locken – yes; Olson – yes; Sharp – yes; Spring – yes; Whitmyre – yes; Jensen – yes. Motion carried 7 yes and 0 no votes.

Motion by Locken, second by Sharp TO APPROVE RESOLUTION 20-20 (appendix A) Denying the petition. Roll Call vote: Bies – yes; Locken – yes; Olson – yes; Sharp – yes; Spring – yes; Whitmyre – yes; Jensen – yes. Motion carried 7 yes and 0 no votes.

Bobcat Harvest Reporting

Steve Cherkas, petitioner explained that presentation of the entire carcass is unnecessary as they are only using the lower jaw that gets submitted to age the cat by teeth. It would be simpler to either submit the skull or just the lower jaw. Currently they are returning the entire carcass for hunter or trapper to dispose of. Currently the number of days for tagging is 5 days and would prefer to see it be like other days up to 10 days. It would be a lot more simple and efficient if this could be done less often.

Olson asked how necessary is it to obtain the lower jaw as some many want a European mount?

Kirschenmann we extract the teeth for aging but will need to discuss alternative ways with staff.

Spring it is sometimes difficult to get time scheduled with staff within 5 days

Motioned by Sharp, second by Bies TO DENY THE PETITION. Roll Call vote: Bies – yes; Locken – yes; Olson – yes; Sharp – yes; Spring – yes; Whitmyre – yes; Jensen – yes. Motion carried 7 yes and 0 no votes.

Motion by Whitmyre, second by Sharp TO APPROVE RESOLUTION 20-21 (appendix B) Denying the petition. Roll Call vote: Bies – yes; Locken – yes; Olson – yes; Sharp – yes; Spring – yes; Whitmyre – yes; Jensen – yes. Motion carried 7 yes and 0 no votes.

Nonmeandered Waters Transportation Lanes

Tom Marquardt presented his petition to the Commission. He noted 70 percent of pepper slough is public land. By closing off the 80 acres it eliminates the access. Would like to see pass through access to public waters through closed areas.

Kirschenmann explained the GFP will begin the process to promulgate new rules to create transportation/navigation lanes as allowed in statute. Staff have also had conversations with the petitioner explaining this process has not began but will be initiated.

Motioned by Olson, second by Whitmyre TO DENY THE PETITION. Roll Call vote: Bies – yes; Locken – yes; Olson – yes; Sharp – yes; Spring – yes; Whitmyre – yes; Jensen – yes. Motion carried 7 yes and 0 no votes.

Motion by Sharp, second by Olson TO APPROVE RESOLUTION 20-22 (appendix C) Denying the petition. Roll Call vote: Bies – yes; Locken – yes; Olson – yes; Sharp – yes; Spring – yes; Whitmyre – yes; Jensen – yes. Motion carried 7 yes and 0 no votes.

PUBLIC HEARING

The Public Hearing began at 2:04 p.m. and closed at 2:05 p.m. on October 1, 2020. The minutes follow these Commission meeting minutes.

OPEN FORUM

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

Chris Hesla, Pierre, SD – SD Wildlife Federation shared information on fruit bearing trees which he explained are good for everything in the living world. Hopefully this will be something fun and noncontroversial that both the Commission and Department will agree with. These are great for wildlife feeding and cover. A variety of animal depend on these from game species to birds and insects for food, nesting and winter cover. Supports and challenges the wildlife staff to make us proud with the use of the new habitat funds to expand on current efforts and plant more fruit bearing trees. Commended parks staff for the great work they have done to maintain the trees in the campground but noted the shelterbelts along the river and in public hunting areas need some work.

Zach Hunke, Watertown, SD – SD Wildlife Federation spoke in support of the comments made by Chris Hesla regarding additional plantings of fruit bearing trees.

Robin Lecy, Hot Springs, SD - Representing residents and users of GFP facilities in Sheps Canyon on the west side of Angostura Lake – has spent many years in the area and said GFP has done a fantastic job developing the area. Now with the hill ranch the west side of the lake has so much potential. A large number of people are using the camping and water access. With this opportunity there is more use for the road.

Nancy Hilding, Black Hawk, SD – Prairie Hills Audubon Society. Spoke in support of the establishment of transportation lanes for nonmeandered waters and complained it had not been done already. Opposed the petition submitted to only require the lower jaw for bobcats. Wants the commission to have a presentation from Chad Neiman on abundance and wants a bobcat management plan. Complaint that review for threatened and endangered species status review has not been done. Wants a comment period with deadline with the link to comment easy to find like all other management plans. Concerned that additional species have not been listed.

Mark Posthumus, Hot Springs, SD said he would like to discuss maintenance on the connector road from HWY 71 to Sheps Canyon. Spoke in favor of the amenities at the Angostura Reservoir area, but the connector road is adequate for the traffic to this popular area. Would like state highway funds devoted to Shep's Canyon. Wife worked for park front gate and tells stories of people who had concerns with hauling their recreational equipment on the road on the west side of the lake.

FINALIZATIONS

State Park Modern Cabin Fees and Cancellation Policy

Scott Simpson, parks and recreation director, presented the recommended changes to the parks cabin fees and cancellation policy. He explained Parks currently has only two categories for assessing fees on overnight rental facilities; \$55 for a camping cabin and \$150 for a modern cabin. With the acquisition of facilities at Spring Creek and Roy Lake, there are now many different variations of cabins and suites that do not fit into either of these categories. Many of the units have full kitchens and include one bedroom, two-bedroom and three-bedroom options. Several comments have been received indicating the current rental fee of \$150 may be too low for some facilities and too high for others, requiring a review of the current pricing structure to reflect what each facility offers.

Rather than identifying each of the 16 variations of facilities and an associated fee in rule, the Department is suggesting a range of pricing from \$85-\$205 to cover all types of facilities. A fee schedule would be provided to the commission each year identifying the fee for each type of facility. In addition, the Department is asking for the ability to reduce the price of modern cabins and suites by up to 25% to align rental facilities fees with the local market, occupancy rates and create marketing packages that will promote increased use.

He also noted that in that in 2019 a definition for modern cabin lodging was created for lodging in parks such as Oahe Downstream, Mina Lake and a new proposed modern cabin at Newton Hills. The acquisition of facilities at Spring Creek and Roy Lake has further diversified the options to include one bedroom, two-bedroom, three-bedroom and four-bedroom units contained in one structure similar to a motel/hotel type of experience. By adding the suite definition our customers will have much clearer understanding of this new facility type.

Motioned by Olson, second by Sharp TO APPROVE THE RECOMMENDED CHANGES TO THE STATE PARK CAMPING FEES AND CANCELLATION POLICY AS PRESENTED. Roll Call vote: Bies – yes; Olson – yes; Sharp – yes; Spring – yes; Whitmyre – yes; Jensen – yes. Motion carried 7 yes and 0 no votes.

DIVISION OF PARKS AND RECREATION

Lewis and Clark Dock Replacement and Lease Extension

Simpson presented a lease extension and dock replacement plan for Lewis and Clark Resort and Marina. The concessionaire agrees to replace the entire dock system and create 100 additional slips and the contract would be extended from 2024 to 2044 and with contract extension franchise fees would be 11 percent on gross receipts and 5.5 percent for restaurant franchise fees.

Motioned by Sharp, second by Olson TO APPROVE THE LEASE EXTENSION. Roll Call vote: Bies – yes; Olson – yes; Sharp – yes; Spring – yes; Whitmyre – yes; Jensen – yes. Motion carried 7 yes and 0 no votes.

CSP Private Cabin Transfer

Simpson asked the Commission to approve a resolution authorizing the department to execute a Consent to a transfer and assignment of a private cabin permit in Custer State

Park from Estate of Franklyn H. Craft to Berlyn A. Clear and Gary F. Craft. Then transferred and assigned partial interest from Berlyn A. Clear and Gary F. Craft to Brian T. Craft and Roger C. Craft.

Motioned by Peterson with second by B. Jensen TO ADOPT RESOLUTION 20-17 (Appendix D) and RESOLUTION 20-18 (Appendix E) as presented

Fort Sisseton Mobile App

Ali Tonsfeldt, park manager, presented a powerpoint explaining the Fort Sisseton Mobile App to the Commission.

CSP Bison Center

Simpson provided an update on the CSP Bison Center

Revenue, Camping and Visitation Report

Al Nedved, Deputy Director for the Division of Parks and Recreation provided the September revenue, visitation and camping report. September saw continued high use at state parks and recreation areas as the summer season winds down. Dry and warm weather provided ideal conditions for extended season use such as camping, trail use, fishing, and boating. Revenue was up 55% for the month and 40% year to date. Statewide, visitation for September was up 35% from last year, and up 33% over the prior 4-year average. Year-to-date, visitation is up over 1.7 million visitors from last year (30%) or 27% higher than the four-year average. Total visitation from January 1 through September 30 is 9,538,228. Camping also was strong in September with 56,356 camping units which is 55% higher than last year, and 35% better than the prior 4-year average. For the year, camping units are at 358,157 which is a 22% increase from last year, or a 15% increase over the four-year average. October is expected to see more use but is heavily dependent on weather and the availability of services such as comfort stations and water. Staff will begin to winterize these facilities as freezing temperatures approach. Department staff will also begin analyzing the data from the 2020 season to identify factors such as first-time users or other shifts that contributed to this season's usage.

DIVISION OF WILDLIFE

Land Donation – Pheasants Forever Property in Day County

GFP Commission adopted RESOLUTION 20–19 accepting the donation of 440 acres from Pheasants Forever near Pickerel Lake State Park in Day County to be managed as the Tim Kessler Game Production Area. Pheasants Forever, Nestle Purina PetCare, and Pickerel Lake Conservancy are contributing matching funds towards a North American Wetlands Conservation Act Grant to help acquire this parcel through Pheasants Forever's Build a Wildlife Area program. The parcel is comprised of native prairie, wetlands, and cropland, and is in some of the best waterfowl breeding areas in the state, while providing habitat for pheasants, sharp-tail grouse, white tailed deer, and many wetland and upland non-game species.

Motion by Olson, second by Locken TO ADOPT RESOLUTION 20-19 (appendix F) ACCEPTING THE LAND DONATION OF 440 ACRES FROM PHEASANTS FOREVER IN DAY COUNTY. Roll Call vote: Bies – yes; Locken – yes; Olson – yes;

Sharp – yes; Spring – yes; Whitmyre – yes; Jensen – yes. Motion carried 7 yes and 0 no votes.

Purchase of DOT railroad ROW in Lincoln County

Paul Coughlin, wildlife program administrator, provided info on this project explaining it involves a proposal to purchase a 4.016 acre in-holding to the Rollings GPA in Lincoln County. The parcel is a surplus railroad right-of-way property offered exclusively to GFP. This project is in early development stages and will be brought to the GFP Commission early next year for final action.

Hell's Canyon Water Project

John Kanta, wildlife regional supervisor, explained the Forest Service is currently working with livestock permittees to develop water to better distribute livestock grazing on the National Forest in the Hells Canyon area of the Black Hills. Commissioner Bies commented that these types of projects were a worthwhile effort and that GFP should partner to assist with these projects. John Kanta advised that GFP has been discussing the Hells Canyon water project with the Forest Service and that GFP will be contributing to this project.

Lake Pactola release and flow in Rapid Creek

Jake Davis, senior fisheries biologist, provided the Commission long-term GFP trend data that indicated that the trout population in the catch and release area of Rapid Creek below Pactola Dam is highly impacted by discharge from Pactola Reservoir, primarily in the winter. Recent work completed by GFP and SDSMT has recommended that a minimum winter release of 40 cfs would provide the needed trout habitat to sustain a Class 1 fishery. Additionally, recent work has identified alternative dam release operating scenarios that would provide for both increased winter discharge and better use of the water within the Rapid Creek system.

Mule Deer Harvest and Discussion

Andy Lindbloom, senior wildlife biologist, explained that in 2019, total deer harvest was 50,700 across the state of South Dakota; of that, 6,600 mule deer were harvested. Many regulation changes were made from about 2000-2010 in order to increase deer harvest and decrease deer populations. Following record harvest levels and 3-4 severe winters, and several other factors, deer populations fell below desired objectives and from 2010-2020 several regulation changes have subsequently been made to decrease harvest and increase deer populations. Current mule deer populations still remain below objectives, although in some areas deer densities have been slowly increasing closer to objectives. Over the past 4 years during very conservative harvest regulations, antlerless mule deer harvest has averaged approximately 1600 with the majority of harvest occurring from youth/mentor/apprentice (50%), firearm (20%), landowner-on-own land (19%), and archery (9%) deer seasons.

AIS 2020 summary and 2021 approach

John Lott, fisheries chief, provided the Commission information explaining in association with new authorities granted to the department and the commission to manage aquatic invasive species (AIS), the watercraft inspection and decontamination program was expanded to nine crews in 2020. New authorities included making inspections mandatory when stations are in operation and the ability for law

enforcement to stop vehicles transporting boats that bypass inspection stations. Crews operated from early June through Labor Day weekend, conducting over 9,300 watercraft inspections and over 200 decontaminations. Initial plans for the 2021 inspection program include focusing effort in western South Dakota and the Black Hills, where zebra mussels are not known to be present, and conducting a lower level of inspection effort for the Missouri River corridor and eastern SD waters.

While zebra mussels were documented in three eastern South Dakota waters in 2020. Getting boaters to adopt best practices to minimize transport of water and adult mussels to new waters will slow the spread of zebra mussels to new waters. Inspection station are an effective tool for engaging boaters and help them adopt best practices.

Bighorn Sheep Projects from Auction Funds

Switzer and Kanta provide an update on completed and future bighorn sheep projects made possible by auction license funds.

GPA Disposal and Process

Kirschenmann and Coughlin described an evaluation process used by regions 3 and 4 habitat to identify GPAs for potential disposal. Using both the previous GPA assessment, and looking further into other aspects of individual GPAs, such as adequacy of public access, habitat management opportunities, wildlife use, and marketability, a list of GPAs was developed to investigate further the feasibility of their disposal. Through this effort to identify and ultimately dispose of certain GPAs no longer providing for our purposes, GFP hopes to utilize funds derived from their sale for acquisition of additional GPA acres that provide higher levels of public use and wildlife habitat development and management opportunities.

CWD Updates

Switzer provided the Commission an update on CWD.

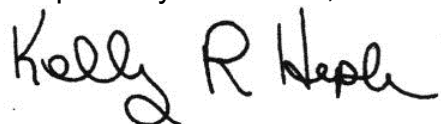
EHD Updates

Switzer provided the Commission an update on EHD.

Adjourn

Meeting adjourned at 11:20 p.m.

Respectfully Submitted,



Kelly R. Hepler, Department Secretary

Appendix A
RESOLUTION 20-21

WHEREAS, Steve Cherkas of Edgemont, South Dakota, submitted a Petition to the Game, Fish and Parks Commission (Commission) dated September 3, 2020, requesting that the Game, Fish and Parks Commission amend ARSD § 41:06:01:15 (Elk application requirements) to decrease the minimum acreage requirement to receive a landowner-operator elk license for the reasons more fully set out in the petition (hereinafter referred to as “the Petition”); and

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

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

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

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

WHEREAS, the Commission has reviewed and carefully considered the requirements and procedures set out in SDCL §1-26-13 and the contents of the Petition, including the reasons advanced by Petitioner in support of reducing the acreage requirement for landowner-operator elk license; and

WHEREAS, elk are a limited resource in SD and many South Dakotans have a desire to hunt elk in SD; and

WHEREAS, the Department is currently discussing alternatives to the landowner elk preference rule and a potential landowner own land elk license for public comment in the future; and

WHEREAS, the Department is currently working on revising the existing elk management plan and these topics will be reviewed and discussed during this effort and should go through this process prior to making requested changes.

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

BE IT FURTHER RESOLVED that the Petition, a record of the Commission’s discussions concerning same, and this Resolution be made a part of the Minutes of the Commission meeting at which this Resolution is adopted, and further, that the Department be and it is hereby authorized and directed in compliance with SDCL §1-26-13 to serve a copy of an extract of that portion of the Commission minutes which pertain to the Commission’s discussion of the Petition and its adoption of this Resolution, including a copy of the Resolution, on all members of the Interim Rules Review Committee and Director of the Legislative Research Council with copies also to be provided to the Petitioner, Steve Cherkas of Edgemont, South Dakota.

Appendix B
RESOLUTION 20-20

WHEREAS, Steve Cherkas of Edgemont, South Dakota, submitted a Petition to the Game, Fish and Parks Commission (Commission) dated September 3, 2020, requesting that the Game, Fish and Parks Commission amend ARSD § 41:08:01:08.01 (Bobcat trapping and hunting season established – Tagging Requirements) to remove or extend the five-day reporting requirement for the reasons more fully set out in the petition (hereinafter referred to as “the Petition”); and

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

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

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

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

WHEREAS, the Commission has reviewed and carefully considered the requirements and procedures set out in SDCL §1-26-13 and the contents of the Petition, including the reasons advanced by Petitioner in support of change to the reporting requirement for bobcat harvest; and

WHEREAS, the carcass collection is needed to collect biological information and should the 5-day check-in period be extended or removed, already poor shape carcasses may come in as not viable/useable; and

WHEREAS, the 5-day timeframe ensures that GFP has timely and accurate data to manage this species. If a person held multiple carcasses throughout the season, the accuracy of the harvest information (sex, harvest location, number of days spent trapping, etc.) could be lost; and

WHEREAS, GFP allows bobcats to be checked-in by a variety of staff, not just Conservation Officers, to allow greater flexibility for the public with the 5-day requirement.

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

BE IT FURTHER RESOLVED that the Petition, a record of the Commission’s discussions concerning same, and this Resolution be made a part of the Minutes of the Commission meeting at which this Resolution is adopted, and further, that the Department be and it is hereby authorized and directed in compliance with SDCL §1-26-13 to serve a copy of an extract of that portion of the Commission minutes which pertain to the Commission’s discussion of the Petition and its adoption of this Resolution, including a copy of the Resolution, on all members of the Interim Rules Review Committee and Director of the Legislative Research Council with copies also to be provided to the Petitioner, Steve Cherkas of Edgemont, South Dakota.

Appendix C
RESOLUTION 20-22

WHEREAS, Tom Marquardt of Watertown, South Dakota, submitted a Petition to the Game, Fish and Parks Commission (Commission) dated September 13, 2020 requesting that the Game, Fish and Parks Commission to establish a navigation lane on a closed nonmeandered waters for the reasons more fully set out in the petition (hereinafter referred to as “the Petition”); and

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

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

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

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

WHEREAS, the Commission has reviewed and carefully considered the requirements and procedures set out in SDCL §1-26-13 and the contents of the Petition, including the reasons advanced by Petitioner in support of establishing a navigation lane; and

WHEREAS, the Commission has the authority to create navigation lanes on closed nonmeandered bodies of water; and

WHEREAS, there is currently no process established in rule to petition the Commission to create a navigation lane; and

WHEREAS, the Commission deems it necessary to create a process in which the public can petition the Commission; and

WHEREAS, the Department will propose rules to establish a process by which a member of the public can petition the Commission to establish a navigation lane on a closed nonmeandered body of water.

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

BE IT FURTHER RESOLVED that the Petition, a record of the Commission’s discussions concerning same, and this Resolution be made a part of the Minutes of the Commission meeting at which this Resolution is adopted, and further, that the Department be and it is hereby authorized and directed in compliance with SDCL §1-26-13 to serve a copy of an extract of that portion of the Commission minutes which pertain to the Commission’s discussion of the Petition and its adoption of this Resolution, including a copy of the Resolution, on all members of the Interim Rules Review Committee and Director of the Legislative Research Council with copies also to be provided to the Petitioner, Tom Marquardt of Watertown, South Dakota.

Appendix D
RESOLUTION 20-17

WHEREAS, the South Dakota Game, Fish and Parks Commission has been advised that the Estate of Franklyn H. Craft owner of a cabin located in Custer State Park (Custer County) on property described as:

Lot Four (4) of Pine Crest Group, Northwest Quarter of the Southwest Quarter (NW1/4SW1/4), Section Twelve (12), Township Four (4) South, Range Five (5), East of the Black Hills Meridian, Custer State Park, Custer County, South Dakota.

WHEREAS, the property upon which the cabin is located is owned by the South Dakota Department of Game, Fish and Parks and has been leased to the Estate of Franklyn H. Craft by permit by reason of a Stipulation of Settlement and Dismissal entered in Craft v. Wipf, Civil Action No. 85-5092, U.S. District Court for the District of South Dakota, Western Division, and subsequent agreements and permits executed thereafter based on said Stipulation and Dismissal; and

WHEREAS, the Commission has been advised that the Estate of Franklyn H. Craft desires to and have transferred and assigned his interest in said cabin and cabin site permit to Berlyn A. Clear and Gary F. Craft; and

WHEREAS, the Commission has been requested to approve said Transfer and Assignment.

NOW, therefore, be it resolved that in the event the Department receives an executed Agreement and Assignment of the cabin site permit and cabin and appurtenances located thereon and which further provides that said Assignees agree to abide by all of the terms and conditions of the aforementioned Stipulation of Settlement and Dismissal and all subsequent agreements relative thereto, including but not limited to Cabin Site Permits, Addendums, and all agreements relative to establishing the lease or rental payments due the Department, then in that event, the Department is authorized to execute a Consent to the requested Assignment.

Appendix E
RESOLUTION 20-18

WHEREAS, the South Dakota Game, Fish and Parks Commission has been advised that the Berlyn A. Clear and Gary F. Craft owners of a cabin located in Custer State Park (Custer County) on property described as:

Lot Four (4) of Pine Crest Group, Northwest Quarter of the Southwest Quarter (NW1/4SW1/4), Section Twelve (12), Township Four (4) South, Range Five (5), East of the Black Hills Meridian, Custer State Park, Custer County, South Dakota.

WHEREAS, the property upon which the cabin is located is owned by the South Dakota Department of Game, Fish and Parks and has been leased to the Berlyn A. Craft and Gary F. Craft by permit by reason of a Stipulation of Settlement and Dismissal entered in Craft v. Wipf, Civil Action No. 85-5092, U.S. District Court for the District of South Dakota, Western Division, and subsequent agreements and permits executed thereafter based on said Stipulation and Dismissal; and

WHEREAS, the Commission has been advised that the Berlyn A. Clear and Gary F. Craft desire to and have transferred and assigned partial interest in said cabin and cabin site permit to Brian T. Craft and Roger C. Craft; and

WHEREAS, the Commission has been requested to approve said Transfer and Assignment.

NOW, therefore, be it resolved that in the event the Department receives an executed Agreement and Assignment of the cabin site permit and cabin and appurtenances located thereon and which further provides that said Assignees agree to abide by all of the terms and conditions of the aforementioned Stipulation of Settlement and Dismissal and all subsequent agreements relative thereto, including but not limited to Cabin Site Permits, Addendums, and all agreements relative to establishing the lease or rental payments due the Department, then in that event, the Department is authorized to execute a Consent to the requested Assignment.

Appendix F
RESOLUTION 20 - 19

WHEREAS, Pheasants Forever, Inc. owns real property (Property) described as:

The NW¹/₄NE¹/₄, S¹/₂NW¹/₄, NE¹/₄NW¹/₄, S¹/₂SW¹/₄, NE¹/₄SW¹/₄, and S¹/₂S¹/₂NW¹/₄SW¹/₄ of Section 25; the SE¹/₄SW¹/₄, SW¹/₄SE¹/₄, SE¹/₄SE¹/₄ less portion deeded in Warranty Deed recorded in Book B79 page 663, and except lots H1, H2, and H5 of Section 35; and the NE¹/₄NW¹/₄ of Section 36; all in Township 124 North, Range 53 West of the 5th P.M., Day County, South Dakota., subject to any easements, restrictions, covenants, and reservations of record; and

WHEREAS, pursuant to its wishes, Pheasants Forever, Inc. 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 Pheasants Forever, Inc. for use as a Game Production Area, and further acknowledge the extreme generosity of Pheasants Forever, Inc.

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 Pheasants Forever, Inc. 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 Pheasants Forever, Inc. for its generosity, and further acknowledge the outdoor recreation opportunities this gift will provide to South Dakotans for many years to come.

**Public Hearing Minutes of the Game, Fish and Parks Commission
October 1-2, 2020**

The Commission Chair Gary Jensen began the public hearing at 2:04 p.m. CT via conference call. Commissioners Gary Jensen, Travis Bies, Jon Locken, Russell Olson, Doug Sharp, Charles Spring, and Robert Whitmyre were present. Kotilnek indicated written comments were provided to the Commissioners prior to this time and will be reflected in the Public Hearing Minutes. Kotilnek then invited the public to come forward with oral testimony.

State Park Modern Cabin Fees and Cancellation Policy

No verbal comments

See attached written public comments submitted prior to the public hearing

The public Hearing concluded at 2:05 p.m.

Respectfully Submitted,



Kelly R. Hepler, Department Secretary