

Minutes of the Game, Fish, and Parks Commission  
December 14-15, 2017

Chairman Barry Jensen called the meeting to order at 1:00 p.m. CT at RedRossa Convention Center in Pierre, South Dakota. Commissioners Mary Anne Boyd, Barry Jensen, Gary Jensen, Scott Phillips and Douglas Sharp were present. Approximately 35 public, staff, and media were present. Commissioner Cathy Peterson joined via phone at 1:40 p.m.

**DIVISION OF ADMINISTRATION**

**Conflict of Interest Disclosure**

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

**Approval of Minutes**

Chairman B Jensen called for any additions or corrections to the November 2-3, 2017 minutes or a motion for approval.

Motion by G. Jensen with second by Boyd TO APPROVE THE MINUTES OF THE NOVEMBER 2-3, 2017 MEETING. Motion carried unanimously.

**Additional Commissioner Salary Days**

Commissioner Phillips requested one additional salary day for participation in the deer stakeholder meeting.

Motioned by Boyd, second by G. Jensen TO APPROVE THE ADDITIONAL SALARY DAY. Motion carried unanimously.

**License List Request**

Chris Petersen, administration division director, presented to license list requests to the Commission.

The American Sportfishing Association of Alexandria, VA requested an electronic list of fishing license distributors to be used to define a national tackle shop/independent dealer universe with an exemption to have the fee waived. They will utilize the list for R3, ICAST and general promotion of their organizations activities. Petersen explained that GFP is a member of the American Sportfishing Association and they will collaborate and share their findings with GFP.

Motioned by G. Jensen, second by Sharp TO APPROVE THE LICENSE LIST REQUEST WITH THE FEE WAIVED. Motion carried unanimously.

Diamond Wings Upland Game Birds LLC of Powell, WY submitted a full fee request licenses list request for shooting preserves for commercial use.

Motioned by Boyd, second by Phillips TO APPROVE THE LICENSE LIST REQUEST. Motion carried unanimously.

**Pierre Area Chamber of Commerce**

Lois Ries, director of the Pierre Area Chamber and Visitors Bureau welcomed the Commission to Pierre at provided information on what the city coming up in the next

year specifically the Bassmaster Elite Tournament. Ries also presented the Chambers ad for Christmas at the Capitol.

### **Legion Lake Fire**

Secretary Hepler provided an update thanking Wildland Fire and Custer State Park staff for their efforts. He said the department wants to partner and make sure private landowners have what they need. He explained that once the fire is out and needs have been reassessed the department will have a thoughtful list of things people can help with should they want to.

B. Jensen said it is important to give the department time to assess what has happened and what the needs are considering the amount of land that has burned.

Katie Ceroll, parks and recreation division director, thanked the Commission for their support. She said the park will remain closed through the weekend and should that change the Commission and public will be informed.

Hepler said landowners are showing up at the park with hay to donate to feed the buffalo. He said they will be reimbursed for the hay and the department appreciates it.

### **Budget**

Petersen presented the FY 2019 budget overview to the Commission. Petersen explained the budget structure for GFP is composed of 6 programs within the general appropriations bill, 3 budgeted programs and 3 informational budgets. He noted the Commission's authority to establish fees and implement and oversee special budgetary functions. He further provided a historical summary of how general funds are utilized specifically for bond repayments, state park operations and the division of administration.

Tony Leif, wildlife division director, presented the wildlife operations budget of \$48,884,288 with breakdown into programs in the categories of wildlife management, habitat and access, fisheries and public service. Leif also provided the breakdown of capital development projects including shooting ranges, aquatic habitat, hunter/angler access and facility maintenance and construction. He detailed the division's revenue sources and projections for FY18 and FY19.

Ceroll presented the parks and recreation revenue estimates for FY19 totaling \$39,228,493 and explained the breakdown of fund sources being federal, general, bond payments, park revenue, dedicated taxes and license fees and miscellaneous. Ceroll provided an overview of the FY19 capital development projects including new development, preventative maintenance, and water based development. She also provided a brief update on the snowmobile program explaining the dedicated funding through licenses, gas tax and excise tax. She also noted the park fee changes effective January 1, 2018 that will generate an estimated total revenue of \$624,000.

### **Public Hearing**

The Public Hearing began at 2:14 p.m. and concluded at 2:15 p.m. and the minutes follow these Commission meeting minutes.

## **Department Sponsored Legislation 2018**

Hepler provided overview on department sponsored legislation for 2018 noting the Governor's bill to push sunset clause back 3 years on open waters compromise.

Leif said the department is currently sponsoring three pieces of legislation.

The first to define fur-bearing animals to include rivers otters and fisher. River otters are currently listed as a state threatened species. The second is to remove the regulation which prohibits hunting of doves within 50 yards of a public road right of way or highway. Removing this restriction will allow more hunting of mourning doves on private property. And the third is to allow certain resident farmers or ranchers to receive Black Hills any deer licenses valid only on their land should they not be successful in the regular draw.

## **Nonmeandered Waters Update**

Kevin Robling, special projects coordinator, provided an update on non-meandered waters stating the department supplied signs have been posted since the November Commission meeting. Robling said staff is currently experiencing ice conditions which have brought forward some challenging issues, but staff continues to properly mark the water. Staff are also diligent working with landowners and are working on developing agreements for Indian Springs and Duerre Slough. He said the department is hopeful legislation will pass to extend the sunset clause.

Robling reminded the Commission the petition for Goose Lake will be heard in conjunction with the March 1<sup>st</sup> Commission meeting.

B. Jensen stated the Commission adopted resolution 17-15 on November 2, 2017 denying the petition relating to the closer of a section 8 lake. He said the findings of fact, conclusions of law, ruling on objections and the order denying the petition submitted by Cattail Land and Cattle Company, LLC were prepared by the independent hearing officer, Rob Anderson. All of the Commission members have had a chance to review these documents for factual accuracy and agree that they represent our findings of fact and conclusions of law as discussed at the November contested case hearing.

The Commission does not have to take formal action on these documents as we have already adopted resolution 17-15 which denied the petition. Commission Chair Jensen stated these documents more fully detail our basis for the denial of the petition. That being said, I will sign the documents and give them to the department attorney to make sure they are made available to the public.

Sharp asked for clarification on the signs and buoys.

Robling said the cost is \$8.45 a piece for a total of \$1,700 covered by GFP general funds through division of administration. Buoys are the responsibility of the landowners and the department has provided recommended sites where they can be purchased and how to anchor them. A few loaner buoys are available for immediate closers to be returned to the department once the landowners purchase their own.

## **Tribal Update**

Ron Skates, tribal liaison, provided an overview of the tribal liaison position to focus on working with the tribes on managing shared wildlife and fisheries resources.

To date 4 MOU's have been signed with South Dakota tribes as well as many collaborative projects and trainings for tribal GFP staff.

G. Jensen inquired if all the tribes have a commission and if it would be beneficial for the GFP Commission to meet with them.

Skates responded that 8 of the 9 tribes have a governing body and he would be willing to schedule meetings and offered to provide tours of the reservations. He noted that all 9 tribal nations and all have different regulations.

## **Education Plan**

Jody Moats, park manager, detailed the education planning process.

Taniya Bethke, wildlife division staff specialist explained the organization of the education plan and the four goals that allow people to find themselves in the plan. There are 10 priorities that all staff are to implement in addition to the goals.

Moats explained the four key priorities: reaching target audiences, assessing effectiveness of education programs, standardizing and prioritizing core classes, and increase relationships with community partners to extend the reach of education efforts.

Bethke explained how to move forward with the plan via action teams assigned to groups to begin on fundamental pieces plan groups are target audiences, programmatic needs assessment, informal education assessment, internal collaboration, standardizing core classes and mentorship program model. Action team performance will be tracked revisiting the plan at 3 months, 6 months and 12 months.

## **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 bighorn sheep saying that since 2013 auction tags funds and other conservation efforts have raised over \$500,000 that has been provided to the state of South Dakota for research. Rippentrop said he feels the 3 tag allocation is doable, but has long term concerns going past the two year proposal. He would prefer future discussion with staff to include the age of the rams being harvestable as people prefer to harvest an older ram and ram classification as it is currently done in South Dakota to be similar to other states. Rippentrop said his organization is interested in possibly applying for an auction tag for a young ram to do a hunt for the youth hunting make a wish program.

Steve Nelson, Pierre SD spoke in regards to coyote issues for ranchers in Hughes, Stanley and Sully County. The biggest problem is depredation on deer doe and fawns. Concerned if something is not done the future of deer hunting will be pretty sad in 5 years and would like something done about the coyotes and the number of doe licenses issued. Immediate changes would be to create rules to make it easier to hunt coyotes from snowmobiles, four-wheelers and vehicles. He was asked by local landowners to reminded the Commission that if it wasn't for the landowners feeding and taking care of the deer the department would not sell many licenses.

## **PETITION FOR RULE CHANGE**

### **License Fee Changes**

Leif presented the petition for rule change for license fee changes. He reminded the commission of the process and options available to them. He explained how the wildlife division is primarily funded by license dollars and what the budget impacts would be if the petition is accepted.

Phillips stated the petitioner is requesting fees set like other states that have fees less than South Dakota. Do those other states operate on general funds?

Leif said the majority of operating revenues are similar to South Dakota such as North Dakota and mountainous states. The substantial increase in big game fees for the other states listed drive their revenue. In South Dakota our main revenue sources is nonresident small game licenses which if changed as recommended would reduce our revenue substantially.

Peterson noted that we have increased our fees at comparable fees to neighboring states

B. Jensen asked if other states have sufficient opportunity to draw licenses.

Leif responded that some licenses are guaranteed which are not in our state.

Phillips said because this would make such an extreme change to our budget I feel it does not merit further discussion at this time.

Boyd appreciated the effort on part of the petitioner, but agrees not to go forward.

Per Commission recommendation staff will draft a resolution to deny the petition that will be presented on day 2 of the meeting.

Motion by G. Jensen second by Phillips TO ADOPT RESOLUTION 17-18 (Appendix C) DENYING THE PETITION. Motion carried unanimously.

## **FINALIZATION**

### **Bait Dealer Application Requirements**

Andy Alban, law enforcement wildlife program administrator, presented the recommendation to create a new rule to require all bait dealers to list employees/agents on their application who will engage in trapping, transporting, delivering, raising or seining bait and allow the department to refuse the issuance of a license to a bait dealer an applicant who has with an employee/agent who has received a suspension or revocation of their bait dealer license in the previous or current calendar year, or that has been denied issuance of a license in the previous or current calendar year. He explained that currently loopholes exist that allow violators to still do bait dealer work as an employee of another licensee. This can potentially render a revocation meaningless. The department took into consideration some of the concerns raised at the November meeting and are asking for a limitation on the period of ineligibility (one year) to ensure that bad actors are not punished for an extended period of time for the same bad act. Do not want to penalize for a bad act for an extended period of time. This combines two rules in proposal to one rule. The department requested a change from proposal to

place agent/employee eligibility inclusion in the new rule (41:09:04:02.06), instead of amending 41:09:04:02 as initially proposed in October.

G. Jensen requested clarification specifically asking if the focus is on licensure and if it would also be applied to other occupational licensees additional licensures.

Alban responded that the focus on the licensure and this is solely focused on bait dealers because others licensures occupational licenses are found in different chapters in administrative rule chapters and could be applied to those licenses. This is being done to focus on current issues with bait dealer licenses.

Boyd said she could possibly support this now that it has been narrowed down to one year and would be interested in review other licensures.

B. Jensen asked if it would correct to assume other areas similar to bait dealer licenses that should have a uniform law code.

Alban said it would be advantageous for us to take a look at those and could make it applicable to other licensures.

Hepler noted the difference between this type of license for bait dealers who are working out in the public, as opposed to a taxidermist working in a shop and said the department will look at other licensures in the future.

Sharp asked if bait dealer employees have a requirement to document and are employees required to sign or just the licensee.

Alban responded there are record keeping requirements, but records may not be kept in the field. The licensee is required to sign and maintain the records as well as submit a summary to our staff that is used to track changes.

Boyd asked what happens when the employee is restricted from work for anyone for that year, and then next year works for someone and gets another violation what happens.

Alban explained that this rule does not focus on the past violations it is only for the calendar year that were already the cause of a department refusal.

Motioned by G Jensen second by Phillips TO AMEND THE COMMISSION RULE PROPOSAL BY PLACING AGENT/EMPLOYEE ELIGIBILITY INCLUSION IN THE NEW RULE VERSUS AMENDING EXISTING RULE PER RECOMMENDATION OF THE DEPARTMENT. Motion carried unanimously.

Motioned by G. Jensen second by Sharp TO CREATE NEW RULE THAT WOULD REQUIRE ALL BAIT DEALERS TO LIST EMPLOYEES/AGENTS ON THEIR APPLICATION APPROVE THE NEW RULE AS AMENDED. Motion carried unanimously.

## **PROPOSALS**

### **Duck Hunting Season**

Tom Kirschenmann, wildlife deputy director, presented the proposal to increase the pintail daily bag limit from 1 to 2 and to modify the season start date for the Low Plains South zone from the second Saturday of October to the third Saturday of October. He noted the season will remain open for 74 consecutive days. Kirschenmann also shared that the department supports the process of obtaining public input on this topic and pending the amount and type of comments received would reserve the option at finalization of providing a recommendation to retain the current season structure.

Motioned by G. Jensen second by Phillips TO APPROVE THE RECOMMENDED CHANGES TO THE DUCK HUNTING SEASON. Motion carried.

### **Early Fall Canada Goose**

Kirschenmann presented the proposal to adjust the daily bag limit from 15 to 8 Canada geese and adjust the possession limit from 45 to three times the daily bag limit.

Motioned by G. Jensen second by Boyd TO APPROVE THE RECOMMENDED CHANGES TO THE EARLY FALL CANADA GOOSE SEASON. Motion carried.

### **Goose Hunting Season**

Kirschenmann presented no recommended changes to the 2018-2019 Goose Hunting Season from the previous year.

G. Jensen asked if this was the appropriate time to include Lawrence and Meade County as part of Unit 2 as requested to him by local sportsmen. Kirschenmann noted that if the Commission desires to include those counties this would be an appropriate time and would be part of the public notice and provide public comment to be received prior the next commission meeting.

Motioned by G. Jensen second by Sharp TO MOVE LAWRENCE AND MEADE COUNTIES TO UNIT 2 FOR THE GOOSE HUNTING SEASON. Motion carried.

### **Waterfowl Hunting Season – Special Canada Goose Hunting Season**

Chad Switzer, wildlife program administrator, presented the Canada goose management decision table to the Commission. He indicated that the population objective based on available biological data, comments collected from hunters, landowners and the public as well as staff observations no changes are recommended at this time.

### **Goose Hunting Season – August Management Take**

Switzer presented no recommended changes to the 2018 August Management Take Goose Hunting Season from the previous year.

### **Waterfowl Hunting Season – Spring Light Goose Conservation Order**

Switzer presented no recommended changes to the 2019 Spring Light Goose Conservation Order Hunting Season from the previous year.

### **Waterfowl Hunting Season – Tundra Swan Hunting Season**

Switzer presented no recommended changes to the 2018-2019 Tundra Swan Hunting Season from the previous year.

### **Youth Waterfowl Hunting Season**

Switzer presented no recommended changes to the 2018 Youth Waterfowl Hunting Season from the previous year noting limits are the same as that for the regular duck and goose seasons.

### **Common Snipe Hunting Season**

Switzer presented no recommended changes to the 2018 Common Snipe Hunting Season from the previous year.

### **Sandhill Crane Hunting Season**

Switzer presented no recommended changes to the 2018 Sandhill Crane Hunting Season from the previous year.

### **Bighorn Sheep Hunting License Allocation**

Switzer stated that staff is still conducting ground surveys and that at the January meeting the department would have final results and information to share supporting these license allocations. It was also shared with the commission that the department will be asking for their final approval through an administrative action on the license allocation at the January meeting. G. Jensen said that Rippentrop testified that the Commission should lower the number of licenses due to the poor quality of the rams.

Kirschenmann explained that Rippentrop brought up how the classification is done differently from other states, which staff will look into, and if the herd can sustain this level of harvest. Kirschenmann said the department manages this herd cooperatively with the state of Wyoming. He said staff evaluate the herd each year and will make appropriate adjustments if the data supports it as it is a highly coveted resource. As always the department will continue to monitor the herd and will bring forward the appropriate adjustments if necessary.

Motioned by Phillips second by G. Jensen TO APPROVE THE ADMINISTRATIVE ACTION TO ALLOCATE 3 BIGHORN SHEEP LICENSES FOR THE 2018-2019 HUNTING SEASON. Motion carried.

### **Enhanced Preference Point System for License Drawings**

Robling presented the proposed administrative action to cube all accumulated and purchased preference points for all 36 limited draw licenses. He explained how this will not fix the supply and demand issues but would increase the odds of drawing for applicants who have a greater number of preference points while still allowing applicants with fewer preference points a chance to draw a limited license.

B. Jensen noted hopefully this will alleviate concerns from those who have a number of preference points and complain that they have not drawn a license.

Robling stated that if this action is approved in January it would be in place and ready once a larger server is installed for the licensing system and be ready for the May draw.

Phillips noted he supports the effort and looks forward to the public comments.

Motioned by G. Jensen second by Sharp TO APPROVE THE ADMINISTRATIVE ACTION TO CUBE PREFERENCE POINTS FOR ALL LIMITED DRAW LICENSES. Motion carried.

## **DIVISION OF PARKS AND RECREATION**

### **Legion Lake Fire**

Al Nedved, parks and recreation assistant director, provide a brief update on the Legion Lake fire stating it is about 50 percent contained and Secretary Hepler, Katie Ceroll and Bob Schneider were on site and working with Custer State Park staff to put together an assessment team.

### **Custer State Park Private Cabin Lease Transfer**

Nedved presented resolution 17-16 requesting transfer of a private cabin located in Custer State Park to a living trust as part of estate planning. The owners are aware that all leases expire in 2029 per court settlement. At that time the owner can remove their cabin or it will become property of the state. Nedved said there are approximately 35 private cabins in Custer State Park.

Motioned by Boyd with second by Phillips TO ADOPT RESOLUTION 17-16 (Appendix A) as presented Motion carried unanimously.

### **Custer Park Resort Company Maintenance and Reserve Project Summary and Custer State Park Buffalo Auction Results**

Nedved noted due to the fire Custer State Park are not in attendance to present these items and will do so at the January meeting.

### **Parks Planning Update**

Nancy Hoines, parks and recreation division staff specialist, provided an update on the planning efforts within her division explaining how the department strategic plan and statewide comprehensive outdoor recreation plan are used to guide staff through the process of developing, individual park profiles and master plans and a division 5 year plans. She further explained how the 5 year plan is used to identify projects, develop project scopes and estimates, plan layout, design development and estimate refinement and annual budget process. The strategic plan is also used in planning to measure success, and ensure an ongoing continuous cycle. Hoines provided additional information on the state park system plan that guides processes and defines classifications within the parks system.

The Commission thanked Nancy for the update and await involvement in the process.

### **Parks Revenue and Camping Reservation Report**

Nedved provided the year-to-date park revenue, visitation and camping report. Nedved said system-wide revenue is up 4 percent from last year and an increase in visitation by 1 percent. He noted the success of Good Earth State Park as well as all of the parks within that particular district.

**DIVISION OF WILDLIFE**  
**Land Acquisition Projects**  
**Armbruster Property**

Paul Coughlin, habitat program administrator, provided a request to acquire the Armbruster Property located 4 miles southwest of Wallace in Clark County. The property consists of 174 acres to be utilized as a game production for wildlife habitat management and public hunting access.

Motioned by Boyd with second by G. Jensen TO ADOPT RESOLUTION 17-17 (Appendix B) AUTHORIZING AND CONFIRMING PURCHASE OF 174 ACRES IN CLARK COUNTY. Motion carried unanimously.

**Bighorn Sheep Auction License – Midwest Chapter Application**

Kirschenmann provided information on the bighorn sheep auction and administrative rules that lay out the conditions. He said the Midwest Chapter of the Wild Sheep Foundation was the only organization to submit an application and meets the requirements to be granted the opportunity to auction a license. He noted it is contingent upon final licenses allocation in January. They would auction the license at their March event. The proceeds go back to the state for bighorn sheep management activities. If approved one of the three allocated licenses would be made available as the auction license.

Motioned by Phillips with second by G. Jensen TO APPROVE THE ADMINSTRATIVE ACTION GRANTING THE REQUEST FROM THE WILD SHEEP FOUNDATION – MIDWEST CHAPTER TO OBTAIN AN BIG HORN SHEEP LICENSE TO BE AUCTIONED OFF. Motion carried unanimously.

**Canada Goose Plan Implementation Update**

Rocco Murano, senior wildlife biologist, provided a powerpoint presentation on the Canada goose management plan and implementation. He detailed the objectives for population, opportunity, and human conflict. Murano explained one of the strategies is to maintain an operational Canada goose banding program and conduct a standardized band analysis program. He noted band recovery rates for 2012-2017 indicating high harvest rates and a slow decline in the number of hunters. Murano explained how they use post-season hunter surveys to collect data to be used to better make management decisions.

G. Jensen asked why decrease in hunters.

Murano said the same decline is seen in all small game in South Dakota. Possibly due to demographics and competing interests

Paul Mammenga, assistant wildlife biologist, provided an update on migratory bird banding. He noted the importance of banding and explained how flyways were developed by band data. Mammenga provided banding statistics and detailed the labor intensive process. He also provided statistics on dove banding for the last 5 years noting the band recovery is the only population estimate for mourning doves at this time.

## **TB Surveillance Efforts**

Kirschenmann provided an update on TB surveillance efforts explaining that a year ago efforts in Harding County included removing deer, pronghorn and coyotes with all test results being negative. He explained the department also did long term monitoring during the west river deer season where hunters voluntarily dropped off deer heads for testing. The department collected 25 samples that were submitted to national lab and are awaiting results which will dictate our next steps. If results are negative we will conclude our efforts in the area. In Tripp County a livestock herd was found to have bovine TB. Staff worked with the Animal Industry Board and was able to collaborate with landowners in the immediate area to collect samples from 23 deer in the last 7-8 days of the hunting season. The impacted landowner and adjacent landowners were strongly encouraged to remind hunters to submit deer heads for sampling. Work continues to increase the sample size with our preferred approach being the use hunters and either have staff or contract out to extract samples. Staff are also working with landowners to see if they are comfortable to have hunters go in and harvest more deer or if they prefer staff. There has been a positive response from landowners with the majority in support of a cooperative effort.

## **Deer Social Consideration Progress Report**

Kirschenmann provided information on the current drawing structure and license allocation concerns from the deer management plan along with other priority items. The group brainstormed possible alternatives with the approach to reconvene the deer stakeholder group to review alternatives to better understand what people would do under these alternatives.

Robling said the objective is to get deer hunters their preferred license. The next step is to further involve the public through focus group meetings in Pierre, Chamberlain, Rapid City, Sioux falls and Watertown with additional locations should it seem necessary. Each alternative will be reviewed and schematics will be provided on how the process works.

There will also be discussion on items including nonresident archery, limited access units, season end dates and more. He hopes to bring forward proposals at March Commission meeting and if approved it could be implemented in 2018. Licenses structure changes would be implemented in 2019 due to programing changes that would take 6-8 months.

## **Refuge/Boating Restrictions Update**

Robling provided background information on state refuges stating that rule changes are typically proposed in January, but that has been moved to June per previous conversations with the commission to allow enough time for a full analysis of wildlife related boating closures and refuges statewide.

Mike Klosowski, wildlife regional supervisor provided the 9 boating restrictions related to wildlife and the 3 types of refuges: state game bird refuge, state game refuge, waterfowl refuge. There are a total of 30 bodies of water affected by these restrictions not including those on the Missouri River or safety and environmental related restrictions. He also noted the reasons for past restrictions and the current refuge locations providing some examples.

Robling also provided the list of toolbox criteria and detailed next steps noting the workgroup will have recommendations in March for the June Commission meeting proposal.

G. Jensen asked if there is there a decision framework that should be used.

Robling said they are hoping to provide more information and currently working to quantify data. Staff will present the public involvement assessment tool at the January Commission meeting.

### **Waterfowl Hunter Survey Results**

This item will be presented at the January Commission meeting

### **Topeka Shiner Overview**

Chelsey Pasbrig, fisheries biologist, provided an overview on the decline of the topeka shiner. She detailed the reasons for range-wide decline such as habitat alterations, land use changes, watershed activities, and loss of groundwater inputs. Pasbrig provided information on the management plan with the overall goal to maintain habitat integrity while working towards delisting. She detailed the monitoring efforts, conservation actions, and timeline to meet the goal.

### **Winter Stream Flows in Rapid Creek**

Geno Adams, fisheries program administrator, provided information on the winter stream flows in Rapid Creek. He explained that it was created in 1954 for flood control, recreation and fish and wildlife and multiple agencies take part in the management of these reservoirs. The limiting factors are extreme flow on the trout population in Rapid Creek with very low flows in the creeks as they are saving water for irrigation supply. Consecutive bad years can lower the population and decrease the fishery. Due to icing issues the flow cannot be increased until spring once it has been decreased. Staff is currently working with involved agencies to find ways to increase flows and find a better tool. SDSMT is working on a system analysis program to aid in identifying a solution.

Motioned by Phillips, second by G. Jensen TO ADVOCATE FOR STREAM FLOW PROJECT IN RAPID CREEK. Motion carried.

### **AIS Work Plan for 2018**

Mike Greiner, senior wildlife biologist, provided information on the 2018 AIS work plan noting the expansion of bigheaded carp and zebra mussels highlights the need to fully implement an AIS management plan. Greiner explained the objectives of the plan beginning with implementation, then prevention and education, followed by control and regulation.

Boyd supports the plan noting the need to be aggressive as we possibly next year. She asked for clarification on voluntary compliance and asked to be involved in the process and bring a voice from the Yankton area. Boyd said the local boat registry is a good idea, but noted sign ups were low and stress that people need to really understand the consequences and the need to be aggressive as possible to limit the contamination.

Greiner said staff struggled to get people to sign up and everyone waited until the last minute because they are not typically moving their boats around. Going forward staff will work to have people sign up right away.

Boyd inquired what is done to ensure AIS is not brought in through multistate fishing tournaments like the upcoming Bass tournament.

Greiner responded that staff has discussed this but current regulations require fisherman to be in infested water for 3 days or have AIS attached. Bass tournament organizers assured their boats would not be in either of those categories, but if they did staff would provide decontamination.

John Lott, fisheries chief, said the boats are from all over the country. BASS has a strong conservation component and is working with the department on the outreach and will have a booth to spread the importance to stop the spread of AIS.

Sharp asked what is needed to enhance the ability to take inspections from voluntary to mandatory.

Lott said the authority is not within the GFP range of authority therefore staff rely on opportunity for outreach.

G. Jensen inquired if it would be possible to propose something to legislators or continue efforts with other agencies.

Lott responded that is the process that would be required and we could certainly discuss that with Hepler and Leif.

Sharp support G. Jensen that we have discussions with Hepler and Leif to enhance the opportunity for staff to have an ability for enforcement efforts.

### **License Sales Update**

Scott Simpson, wildlife administration chief, provided the license sales report as of December 11 for all resident and nonresidents for all license types which indicate sales down. Nonresident small game sales are down 22 percent. Simpson noted the need to work on providing opportunity for next generation of hunters and anglers when we see these types of decreases in sales.

Leif stated nonresident licenses are a significant source of income. He provided a handout analysis of last 4 years. He noted opening day of pheasant season is always the third Saturday in October, but in 2017 opened on the 21, as late as it possibly could, while the 2016 pheasant season closed on January 1, as early as it could. While there are always 79 days the actual hunting season, the early closing in 2016 and the late opening in 2017 actually provided 7 less days of pheasant hunting in the license year. Leif noted that we anticipated this decline and we adjusted our expenditures accordingly, but are hoping for an increase next year.

Simpson noted the trial effort to go paperless as we move into spring drawing for spring turkey, special buck and paddlefish with no applications being printed. He said

the option is always available for applicants to print the application off and submit it. Staff will be working with agents to get the information out so they are aware.

**SOLICITATION OF AGENDA ITEMS FROM COMMISSIONERS**

No new agenda items were requested at this time.

**Adjourn**

Motioned by Phillips, second by Boyd TO ADJOURN THE MEETING. Motion carried unanimously and the meeting adjourned at 12:00 p.m.

Appendix A  
**RESOLUTION 17-16**

WHEREAS, the Department of Game, Fish and Parks Commission has been advised that Richard K. Tobias is the owner of a cabin located in Custer State Park (Custer County) on property described as:

No. 7 Pine Crest in the Northwest Quarter (NW ¼) of the Southwest Quarter (SW1/4) of Section (12), Township Four (4) South, Range Five (5) East, of the Black Hills Meridian, Custer County, South Dakota. And

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 Richard K. Tobias by permit by reason of a Stipulation of Settlement and Dismissal entered in Craft v. Wipf, Civil Action No. 85-5092, US 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 Richard K. Tobias desires to and has transferred and assigned all of his interest in said cabin and cabin site permit to the trustee, in trust, of the Richard K. Tobias Living Trust Agreement; 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 Assignee agrees 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 B  
**RESOLUTION 17 - 17**

WHEREAS, the Department of Game, Fish, and Parks (GFP) has expressed an interest in acquiring real property presently owned by Warren D. Armbruster and Valri L. Armbruster, trustees, or their successors in trust, under the Warren and Valri Armbruster Living Trust, dated November 2, 2010 and any amendments thereto, 16206 435th Avenue, Wallace, SD 57272, which property is described as:

South Half (S½) of Section Eleven (11), less the North 26 Chains of the West 56 Chains of said South Half of Section 11, all in Township One Hundred Eighteen (118) North, Range Fifty-Six (56) West of the 5th P.M., Clark County, South Dakota containing 174 acres, more or less, and hereto referred to as the ARMBRUSTER PROPERTY; and

WHEREAS, said property is to be acquired by and utilized by GFP as a Game Production Area; and

WHEREAS, SDCL 41-4-1.1 requires that before GFP acquires and purchases property, GFP must notify owners of land located adjacent to the property sought to be acquired by publishing notice of the same once in each legal newspaper of the county in which the property to be purchased is located; and

WHEREAS, GFP has published the required legal notice at least thirty (30) days prior to the date of action by the Commission authorizing the intended purchases, which notice included the time and location of the meeting at which Commission action is expected and by giving notice of instructions for presenting oral and written comments to the Commission; and

WHEREAS, the Commission has reviewed any and all comments that may have been received relative to the intended purchase and after consideration of the same, the Commission approves the purchase of said property for use as a Game Production Area;

NOW, THEREFORE, BE IT RESOLVED, that GFP is authorized to complete negotiations for the purchase of the ARMBRUSTER PROPERTY and execute and consummate an agreement with Warren D. Armbruster and Valri L. Armbruster, trustees, or their successors in trust, under the Warren and Valri Armbruster Living Trust, which is acceptable to GFP to acquire by purchase, at the price of \$331,000.00, the ARMBRUSTER PROPERTY for use as a Game Production Area.

Appendix C  
**RESOLUTION 17-18**

WHEREAS, Ian Williams of Whitewood, South Dakota, submitted a Petition to the Game, Fish and Parks Commission (Commission) dated 22 November, 2017, requesting that the Game, Fish and Parks Commission amend ARSD § 41:06:02:03 and ARSD § 41:07:01:12 to modify hunting and fishing license fees 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 modifying hunting and fishing license fees; and

WHEREAS, the Division of Wildlife is primarily funded by license dollars and federal taxes on hunting and fishing equipment; and

WHEREAS, programs and services such as the Walk in Area program, Game Production Area management, private lands habitat programs, boat ramps, fish cleaning stations, law enforcement and wildlife/fisheries management are funded with license dollars; and

WHEREAS, the reduction in revenue resulting from the proposed changes in license fees in the Petition would substantially reduce the ability of the Division of Wildlife to deliver these programs and services.

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, Ian Williams of Whitewood, South Dakota.

Public Hearing Minutes of the Game, Fish and Parks Commission  
December 14, 2017

The Public Hearing Officer Scott Simpson began the public hearing at 2:14 p.m. at RedRossa Convention Center in Pierre, South Dakota with Commissioners Mary Anne Boyd, Barry Jensen, Gary Jensen, Scott Phillips and Douglas Sharp present. Chairman B Jensen indicated written comments were provided to the Commissioners prior to this time and will be reflected in the Public Hearing Minutes. Simpson then invited the public to come forward with oral testimony.

**Bait Dealer Application Requirements**

No oral or written testimony was received.

**Armbruster Property Acquisition**

No oral or written testimony was received.

The public Hearing concluded at 2:15 p.m.

Respectfully Submitted,

A handwritten signature in black ink that reads "Kelly R Hepler". The signature is written in a cursive style with a large, looped "K" and "H".

Kelly R. Hepler, Department Secretary