

Minutes of the Game, Fish, and Parks Commission
December 11-12, 2014

Chairman John Cooper called the meeting to order at 1:01 p.m. at the Holiday Inn Express Convention Center in Fort Pierre, South Dakota. Commissioners John Cooper, Cathy Peterson, Barry Jensen, Gary Jensen, Paul Dennert, and Scott Phillips were present. Duane Sather joined the meeting by conference phone at 2:15 p.m. and left at 2:57 p.m. Jim Spies was absent on December 11 and joined the meeting on Friday, December 12 at 8 a.m. Secretary Vonk was present along with approximately sixty public, staff, and media.

DIVISION OF ADMINISTRATION

Chairman Cooper called for changes to the Agenda and Secretary Vonk requested an Executive Session before the Open Forum. Chairman Cooper indicated the Bighorn Sheep Management Plan update would be presented before Proposals.

Chairman Cooper called for additions or corrections to the minutes of the November meetings or a motion for approval.

Motion by Peterson with second by Dennert TO APPROVE THE MINUTES OF THE NOVEMBER 6-7, 2014, REGULAR MEETING AND THE NOVEMBER 20, 2014, TELECONFERENCE AS PRESENTED. Motion carried unanimously.

Chairman Cooper called for additional salary days by requesting one for teaching at SDSU. Gary Jensen claimed two for the CSP Visitor Center Building Committee, elk stakeholders, and fish meetings in Rapid City. Dennert, Spies, Peterson, and Phillips each claimed one for the habitat meeting on December 10th.

Motion by Dennert with second by Phillips TO APPROVE THE ADDITIONAL SALARY DAYS AS REQUESTED. Motion carried unanimously.

Director Chris Peterson presented a license list request from the South Dakota Wildlife Federation for a list of the resident 2014 Black Hills elk, west river deer, antelope, and east river deer hunters to recruit members to their organization and sell gun tickets. This is a reduced fee request.

Motion by Barry Jensen with second by Phillips TO APPROVE THE LICENSE LIST REQUEST FROM THE SD WILDLIFE FEDERATION AS PRESENTED. Motion carried unanimously.

Director Petersen indicated the Governor's Budget Address called for a two percent salary package increase for state employees for FY16; and currently, has a zero percent increase in the health insurance package.

Motion by Peterson with second by Dennert TO GO INTO EXECUTIVE SESSION PURSUANT TO SDCL 1-25-2(3) TO CONSULT WITH LEGAL COUNSEL ABOUT PENDING LITIGATION. Motion carried unanimously.

EXECUTIVE SESSION

The Executive Session began at 1:12 p.m. with Commissioners Cooper, Peterson, Barry Jensen, Gary Jensen, Paul Dennert, and Scott Phillips present. Secretary Vonk was present along with staff attorney Richard Neill, Director Hofer, Director Leif, Paul Coughlin, and Debra Ascher.

The Commission was briefed on a pending law suit by Director Hofer and legal advice from staff attorney Neill. The Executive Session concluded.

Motion by Peterson with second by Barry Jensen TO END THE EXECUTIVE SESSION AND RETURN TO THE REGULAR MEETING. The regular meeting resumed at 1:37 p.m.

OPEN FORUM

Chairman Cooper indicated the Commission was available to listen to public comment on topics other than the statewide spearfishing for game fish proposal. Cooper indicated public comments regarding the Spearfish Canyon and Day County land acquisitions would be accepted at this time. No one came forward.

PUBLIC HEARING

The Public Hearing began at 2 p.m. and concluded at 3:12 p.m. Minutes of the public hearing follow these regular minutes. Chairman Cooper called a recess at 3:12 p.m. and meeting resumed at 3:31 p.m.

PETITION

Chairman Cooper asked Brad Tisdall to present the petition that he and the hounds men group put together. Tisdall indicated the petition came from the desire of hounds men to do what they like to do and that ranchers will pay hounds men to help take a lion that may be killing livestock. Landowners, livestock producers, and wool producers have expressed their desire for the assistance from hounds men and the hounds men need Commission permission to assist with this type of hunt. Tisdall believes this is the right time to make this change.

Director Leif indicated HB1068 in the 2014 Legislative session had a similar request and it passed the House but failed in the Senate. Leif indicated the Department had neutral position because GFP does not manage for a population of lions outside the Black Hills. Leif recommended moving this petition to the proposal stage so this will allow for public comment; and in January the Department would provide recommended changes to proposal. Discussion included possible modifications to petition request and the process available to Commission today.

Motion by Dennert with second by Phillips TO ACCEPT THE PETITION FROM BRAD TISDALL AND TO MAKE IT A PROPOSAL FOR COMMISSION CONSIDERATION. Motion carried unanimously.

PROPOSAL

The Bighorn Sheep Management Plan update was presented prior to recommended changes for Commission consideration see information later in these minutes.

Chief Tom Kirschenmann presented the season dates, open area, licenses, requirements, and restrictions for the Black Hills Bighorn Sheep Hunting Season with no recommended changes. Kirschenmann indicated one of the three available licenses would be a “ram bighorn sheep” auction license valid in Unit 2. Discussion included the use of auction funds.

Matt Rippentrop expressed his gratitude to the Commission for allowing the Midwest Chapter of the Wild Sheep Foundation the auction tag the last two years. He hopes the application for the 2015 season is approved as the funds will assist with expenses for transplants into South Dakota.

FINALIZATION

Statewide spearfishing for game fish

Director Tony Leif indicated there were compelling comments from the public on both sides of the spearfishing for game fish issue and stated the Department recommends the Commission reject the proposed rule change.

Chief John Lott provided the basis for the recommendation to reject indicating the proposal was too broad for many lakes and streams and the management of muskies, and creates some safety concerns.

Director Leif indicated a desire to continue dialogue with spear fishers and is committed to improving opportunity.

Motion by Barry Jensen with second by Gary Jensen TO REJECT THE PROPOSED CHANGE TO THE TAKING OF GAME FISH BY SPEAR/BOW FISHERMEN STATEWIDE, YEAR ROUND. Roll call vote: Dennert-no; Barry Jensen-yes; Gary Jensen-yes; Peterson-yes; Phillips-yes; Cooper-yes. Motion carried with five yes votes and one vote.

DIVISION OF PARKS AND RECREATION

Spearfish Canyon land acquisition

Paul Coughlin provided a map showing the Hydro #2 property that includes 32.251 acres of land available for purchase from the Homestake Mining Company. The Wildlife Division would be using Wildlife Restoration funds and NRDAR funds for this purchase. Coughlin met with the Lawrence County Commission earlier this week and they unanimously supported this purchase allowing the property to remain in public ownership.

Director Hofer provided history of the Roughlock Falls-Savoy tract of land and a purchase agreement has been secured with the Homestake Mining Company. The

Spearfish Canyon Foundation would provide the funds to purchase the 73-acre property. Hofer shared planned improvements for the trail.

Hofer presented Resolution 14-13 for the purchase of Hydro #2 for \$420,000 by the Wildlife Division and for the Division of Parks and Recreation Division to acquire the Spearfish Falls property for \$800,000 after pending litigation is resolved. Hofer recommended approval of Resolution 14-13.

Motion by Gary Jensen with second by Peterson TO APPROVE RESOLUTION 14-13 AS PRESENTED (Appendix A). Motion carried unanimously.

Oahe Marina and Resort Concession Settlement Agreement

Concession Manager Sean Blanchette provided history of the Oahe Marina and Resort Concession Agreement since May of 2010 indicating there have been two extensions to meet financing obligations partly due to the 2011 Flood which resulted in no revenue. The current lease is due to expire in 2031 and the Department received a letter of intent to sell from Steve Rounds. The personal property has been appraised and the Settlement Agreement requires Commission approval in order to move forward with a prospectus and the Request For Proposal. The prospectus would be advertised for a new 10-year lease/contract and discussion ensued regarding the condition of the concession property.

Motion by Gary Jensen with second by Peterson TO APPROVE THE SETTLEMENT AGREEMENT WITH STEVE ROUNDS AS PROPOSED (Appendix B); AND TO FURTHER AUTHORIZE THE DEPARTMENT TO ISSUE AND ADVERTISE A REQUEST FOR PROPOSAL TO PURCHASE AND OPERATE THE OAHE MARINA AND RESORT CONCESSION AT OAHE DOWNSTREAM RECREATION AREA UNDER A TEN-YEAR LEASE WHICH INCLUDES THE LEASE STANDARDS AS DISCUSSED WITH THE COMMISSION AS WELL AS WITH THE TERMS AND CONDITIONS OF THE SETTLEMENT AGREEMENT ENTERED INTO BETWEEN THE DEPARTMENT AND THE CURRENT CONCESSIONAIRE (Appendix B), FINAL CONCESSIONAIRE SELECTION AND CONCESSION AGREEMENT APPROVAL WILL BE SUBJECT TO COMMISSION APPROVAL. Motion carried unanimously.

City of Pierre/Izaak Walton waterfront lease

Concession Manager Blanchette presented a map showing lease property to the Izaak Walton Sunshine Chapter and the City of Pierre which contains a recreational trail. Blanchette indicated both parties want the trail and the portion of property to the shoreline added to the City of Pierre lease as the city maintains the trail. Blanchette presented the amendment to the lease with the City of Pierre and new lease with the Sunshine Chapter of the Izaak Walton League that would facilitate this change.

Motion by Dennert with second by Barry Jensen TO APPROVE THE FIRST AMENDMENT TO LEASE PARK AND RECREATION PURPOSES FOR THE CITY OF PIERRE [WATERFRONT LEASE] ON LAKE SHARPE TO ADD TO IT THE INDICATED PORTION OF PROPERTY FORMERLY LEASED TO THE SUNSHINE CHAPTER IZAAK WALTON LEAGUE AS PRESENTED (Appendix C). Motion carried unanimously.

Motion by Dennert with second by Barry Jensen TO APPROVE THE PROPOSED TEN-YEAR LEASE FOR PUBLIC PARK AND RECREATION PURPOSES

THE SUNSHINE CHAPTER IZAAK WALTON LEAGUE ON LAKE SHARPE AS PRESENTED (Appendix D). Motion carried unanimously.

Custer State Park Resorts Concession Amendment

Director Doug Hofer requested this item be held for Friday morning. On Friday, Hofer provided history and information about the four concession facilities in Custer State Park. Paul VanBockern and Josh Schmalz shared about the much needed improvements of concession facilities as outlined in the updated Master Plan presented to the Commission last month.

Hofer provided the current concession contract criteria and presented the Seventh Amendment to Concession Agreement Custer State Park Resort to extend the contract for five years. The proposed amendment will provide for payment of the Master Plan improvements in the park and is contingent on a bond package approved by the 2015 Legislature. Hofer indicated a similar bonding package was used in 2007 for improvements and was very successful. Current bond rates are low and this would be a good opportunity to make much needed improvements. The bonds would coincide with the length of the concession contract.

Motion by Spies with second by Peterson TO APPROVE THE SEVENTH AMENDMENT TO CONCESSION AGREEMENT CUSTER STATE PARK RESORT AS PROPOSED (Appendix E). THE EFFECT OF THE SEVENTH AMENDMENT IS CONTINGENT UPON THE SOUTH DAKOTA LEGISLATURE APPROVAL OF BOND AUTHORITY AS STIPULATED THEREIN. Motion carried unanimously.

Lewis and Clark Marina RFP Update

Blanchette indicated that proposals to operate the Lewis and Clark Marina were due on December 8th with one proposal received from Chris Donlin. The proposal is under review and a recommendation will be made at the January meeting.

Buffalo Auction Results

Matt Snyder, Superintendent of Custer State Park, presented results of the buffalo auction with comparison to 2012 and 2013. Snyder indicated there were fewer buffalo for sale in an effort to increase the herd due to improved grazing capacities. The 2014 buffalo hunts have been completed.

Parks Revenue and Visitation Report

Director Hofer presented the November 2014 Year-to-Date Revenue Report showing a ten percent increase of revenue above November of 2013. The Camping Unit Report showed a record 290,084 units thus far in 2014.

Miscellaneous updates

Director Hofer presented a schematic of the Custer State Park Visitor Center indicating the plan is to advertise for bids about December 22 with construction beginning in the spring.

Hofer indicated the Good Earth State Park Visitor Center will be moved to a location closer to the homestead and more detailed information will be forthcoming.

Secretary Vonk presented the Western Association of Fish and Wildlife Agency Lifetime Membership Award to former Commissioner Susie Knippling.

Chairman Cooper called a recess at 4:54 p.m. with meeting to resume at 8 a.m. the next morning. The meeting resumed at 8:01 a.m. on Friday, December 12, 2014 at the same location. Commissioners Cooper, Peterson, Barry Jensen, Gary Jensen, Jim Spies, Paul Dennert, and Scott Phillips were present. Secretary Vonk was present along with 35 public, staff, and media.

DIVISION OF WILDLIFE

Bighorn sheep auction tag allocation

Chief Tom Kirschenmann presented Resolution 14-15 indicating the Wild Sheep Foundation-Midwest Chapter submitted a letter of application that met requirements for the bighorn sheep tag available for auction. Kirschenmann recommended approval of the resolution with the auction taking place at the Midwest Chapter Conference in Minneapolis in March.

Motion by Gary Jensen with second by Dennert TO APPROVE RESOLUTION 14-15 AS PRESENTED (Appendix F). Motion carried unanimously.

DOT surplus property in Day County acquisition

Paul Coughlin presented maps and details of two tracts of land in Day County that South Dakota Department of Transportation identified as surplus and the tracts would make good additions to adjoining Game Production Areas. Coughlin presented Resolution 14-14 for Commission consideration to purchase the two tracts for \$70.

Motion by Gary Jensen with second by Phillips TO APPROVE RESOLUTION 14-14 AS PRESENTED (Appendix G). Motion carried unanimously.

Bighorn sheep management update

Chad Lehman provided a PowerPoint Presentation with population survey information, harvest and license information, winter ground counts on the lamb-ewe ratios for the different herds in the Black Hills. Information about the ongoing Elk Mountain and Hell Canyon research projects for survival and lamb rates was included.

John Kanta provided the history of transplanted bighorn sheep and including the sheep brought in at last year and are doing well. In February of 2015, twenty bighorn sheep from Hinton, Alberta, Canada will be released in the Deadwood area that will include big healthy ewes and lambs which are disease free.

Kanta gave background on recommendations and the herd sizes. He indicated recruitment is an issue as few lambs grow into the ram count. Discussion included the number of rams in the herds, pneumonia concerns, and why the ewes are not pregnant.

Distribution of archery deer hunting in SD

GIS Coordinator Chelsea Krause presented a PowerPoint with maps depicting where archery hunters disperse across the state go to harvest archery deer. The presentation included the methodology, results, success rates, and harvest from the

online responses of the 2013 Archery Deer Harvest Survey. This information will be used to assist with estimate of harvest distribution and setting harvest quotas for next year's deer hunting seasons.

Deer license allocation opinion survey

Cindy Longmire, Human Dimension Specialist, presented a PowerPoint showing the methodology and results of the SD Deer License Opinion Survey.

Director Leif shared that preference points would be reviewed and reminded the Special Buck licenses will be reviewed at the January Commission meeting. Discussion included number of tags sold, desire to grow the herd in specific areas, number of mule deer harvested in addition to whitetail deer, and the consideration of changes made for the purchase of preference points. Director Leif defined a weighted lottery and a true preference system.

Year-end review of WMI action plan accomplishments

Chief Tom Kirschenmann presented a handout outlining the process and changes to develop minimum thresholds for recommended changes in regulations for the December 2014 report.

Director Leif provided a PowerPoint with the timeline of events and primary areas of focus that included communication. Kirschenmann presented a review of the process and changes for rule recommendation development, for the development of management plans, and for population monitoring.

Elk management plan update

Director Leif stated the WMI action plan supported developing big game management plans and this is an important plan to guide the staff. Chad Switzer and Andy Lindbloom gave a PowerPoint that outlined the process used to develop the plan, the plan highlights, license allocations, harvest strategies, habitat, and population objectives.

2015 regulation setting schedule

Chief Tom Kirschenmann presented the 2015 season setting schedule for regulations indicating this will be similar to past years and will begin the transition to multi-year season setting schedules.

Black Hills angler opinion survey results

This item was moved to the January meeting.

Aquatic Invasive Species (AIS) program update

Chief John Lott and Mike Smith provided a timeline of activity in monitoring Angostura for quagga mussel veligers and that no additional adults were found; however, Angostura will remain on the suspect list. The U.S. Fish and Wildlife Service will continue monitoring the reservoir.

Zebra mussel were found in Lewis and Clark in November with no additional found since then and will remain on the suspect list. The U.S. Bureau of Reclamation and the State of Nebraska will continue to monitor over the next three years and

education outreach will be important. Lott indicated staff is developing an AIS management plan that will include education.

Non-resident waterfowl work group update

Director Leif shared the names of the non-resident waterfowl work group and that a meeting is scheduled for December 29th in Pierre. Leif indicated the goal or charge will be to explore ideas and make suggestions to assist staff and the Commission for rule changes as the rule making authority was transferred to the Commission from the 2014 Legislature.

License sales report

Chief Scott Simpson presented the November 24, 2014, License Sales Total indicating that nonresident small game sales increased five percent over the same time period last year. Resident small game sales were up about 14 percent.

The 2015 license sales begin on December 15 and the new license system will begin as well. The online user will be able to apply for big game licenses as well as purchase their fishing and small game license with one profile or login.

Motion by Barry Jensen with second by Gary Jensen TO ADJOURN THE MEETING. Motion carried and meeting adjourned at 11:34 a.m.

Respectfully submitted,

Jeffrey R. Vonk, Department Secretary