



## **AGENDA- Revised** **Game, Fish and Parks Commission**

November 7-8, 2019

Watertown Conference Center

1901 9<sup>th</sup> Avenue SW., Watertown, SD

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

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

### **Division of Administration**

#### Action Items:

1. Conflict of Interest Disclosure
2. Approve Minutes of the October 2019 Meeting <https://gfp.sd.gov/commission/archives/>
3. Additional Commissioner Salary Days
4. License List Request

#### Information Items:

5. Second Century Initiatives Update
6. Commission Schedule
7. Chronic Wasting Disease

### **Petitions**

8. CSP Elk Draw Eligibility Based on Combined Accumulated Preference Points and Hunter Age
9. Flathead Catfish Trophy Regulations

### **Open Forum**

### **Proposals**

10. West River Spring Turkey – Use of Rifles

### **Division of Wildlife**

#### Information Items:

11. SDSU Whitetail Deer Neonicotinoid Study
12. Bluegill Management
13. Blue Dog Fish Hatchery Updates
14. Deer Licenses Drawings
15. Landowner Big Game Licenses
16. Pheasant Population and Habitat Statistics
17. Pheasant Opener Report
18. Canada Goose Management Plan Update
19. Wildlife Damage Management Activities
20. Northeast SD Turkey Survival Study Report
21. License Sales Update
22. Conservation Officer Awards

This agenda is subject to change without prior notice.

## **Division of Parks and Recreation**

### **Action Items**

- 23. Custer State Park Cabin Transfer
- 24. Roy Lake Concession Settlement Agreement and Prospectus

### **Information Items:**

- 25. Sylvan Lake Master Plan
- 26. Lewis and Clark Marina Improvements
- 27. Watertown Area Park Update
- 28. Revenue, Camping and Visitation Reports

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

## **Adjourn**

Next meeting information:

December 12-13, 2019

Prairie Event Center

1205 Washington Avenue N., Madison SD

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

**Minutes of the Game, Fish, and Parks Commission**  
**October 3-4, 2019**

Chairman Gary Jensen called the meeting to order at 1:00 p.m. CT at the AmericInn Conference Center in Chamberlain, South Dakota. Commissioners Gary Jensen, Travis Bies, Mary Anne Boyd, Jon Locken, Scott Phillips, Douglas Sharp, Robert Whitmyre and approximately 45 public, staff, and media were present.

**DIVISION OF ADMINISTRATION**

**Conflict of Interest Disclosure**

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

**Approval of Minutes**

Jensen called for any additions or corrections to the September 5-6, 2019 meeting minutes or a motion for approval.

Motion by Phillips with second by Bies TO APPROVE THE MINUTES OF THE SEPTEMBER 5-6, 2019 MEETING. Motion carried unanimously.

**Additional Commissioner Salary Days**

No additional commissioner salary days were presented.

**Second Century Initiatives Update**

**Habitat Programs:** Tom Kirschenmann, Wildlife Division Deputy Director, provided a status report of the current working lands habitat program. Kirschenmann shared that there are now 19 agreements in place for a total of 1,064 acres. These agreements are found primarily in east-central South Dakota and a few in the western part of the state. Total financial obligations for these acres enrolled are about \$212,800 between agreements and associated seed. Staff are currently visiting with landowners to determine if fall seed plantings are still a viable option.

**Crowdsourcing:** Deputy Secretary Kevin Robling explained to the Commission that about 10 different ideas have been generated from the crowdsourcing exercise and have been shared with the Governor's office. GFP will continue discussions with the Governor to narrow down the list to a likely 3-4 final ideas to be enacted.

**Bounty Program Review and Live Trap Giveaway:** Deputy Secretary Robling shared that the bounty program is currently going through an assessment process. An outside entity (Responsive Management) has been contracted to conduct a public opinion survey to gather input on the program. Results are to be available by early December and will be shared with the Commission.

**Bighorn Sheep Auction License:** Deputy Director Kirschenmann verified the online auction for the 2020 bighorn sheep tag closed on September 23 with a successful bid of \$312,000. Kirschenmann explained, through previous action taken by the Commission, that the first \$85,000 would go towards bighorn sheep management in SD and the remaining proceeds to be split between Game Production Area habitat enhancements and the Habitat Fund to support the working lands program. The

Midwest Chapter of the Wild Sheep Foundation is in their final stages of processing the successful bid and will be sending the entire \$312,000 to GFP.

#### **Second Century Habitat Fund Board Update**

Deputy Secretary Kevin Robling and Wildlife Division Deputy Director Tom Kirschenmann provide an update on the Second Century Habitat Fund Board.

#### **WMI Program Review Update**

Keith Fisk, wildlife program manager, provided an update on the external review of the Wildlife Damage Management (WDM) /Animal Damage Control (ADC) Programs. Wildlife Management Institute (WMI) was awarded the project by the Governor's Office in April. WMI has done similar reviews for other state wildlife management agencies and some commissioners may recall that WMI completed a similar review of GFP's Big Game Management Program in 2012. WMI will review/evaluate the past 10 years of programs and services including policies and procedures, operations and services, structure, budget, communication, transparency and accountability and strengths and weaknesses. WMI will present their final report and findings to the Governor's Office and GFP Commission, likely at the December 2019 meeting.

#### **Non-Meandered Waters Update**

Deputy Secretary Kevin Robling provided an update on non-meandered waters.

#### **Tribal Relations Update**

Arden Petersen, special assistant to the Secretary, provided an update on tribal relations.

#### **Meeting Format and Board Management Software**

Secretary Hepler discussed ways to more efficiently organize the Commission meetings by adjusting the agenda and better aligning season dates. This will allow staff to get materials to the Commission, public and IRRC earlier.

#### **PETITIONS**

##### **Preference Point System**

Tony Leif, wildlife division director presented the petition received from Scott Johnson, Fort Pierre, SD. The submitted petition requests a change to the current preference point system for all big game season to be a true bonus point system because he feels the system is complicated and not a true preference point system.

Leif noted this is contrary from what we generally hear from our hunters who like the weighted lottery.

Motion by Phillips, second by Boyd TO REJECT THE PETITION BY RESOLUTION 19-27 (appendix B). Motion passes unanimously.

#### **PUBLIC HEARING**

The Public Hearing began at 1:58 p.m. and concluded at 3:10 p.m. 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.

Nancy Hilding, Prairie Hills Audubon Society, Black Hawk, SD said she only got a final version of the mountain lion plan yesterday. There is breeding on the prairie and these are stepping stones. Want you to draw circles around breeding in the prairie unit to protect the population. GFP says local folks do not want this but maybe they will. Lots of people in the state who wildlife watch and hike and they are constituents too.

## **FINALIZATIONS**

### **Chronic Wasting Disease Regulations**

Switzer presented the recommendation to establish new rules related to transportation and disposal of deer and elk carcasses from other states and hunting units within South Dakota's known endemic areas where Chronic Wasting Disease had been confirmed. One change from proposal would be to add BHR-H1 to the list of elk hunting units within the known CWD endemic area.

Motion by Boyd, second by Whitmyre TO AMEND THE RULE TO INCLUDE UNIT BHR-H1 TO THE LIST OF ELK HUNTING UNITS. Motion carried unanimously.

Motion by Locken, second by Phillips TO APPROVE THE RECOMMENDED CHANGES TO CHRONIC WASTING DISEASE REGULATIONS AS AMENDED. Motion carried unanimously.

### **Trapping Regulations**

Keith Fisk, animal damage control program administrator, presented the finalization on trap check times that resulted from a petition that was approved by the Commission. Fisk explained changes to the current rule as follows:

1. Modify existing administrative rule to require that all traps and snares in South Dakota be checked within 24-hours from the time the trap or snare was set.
2. Create a new administrative rule that would allow Game, Fish and Parks personnel to grant extensions to the 24-hour check time due to unanticipated complications or emergencies.
3. Create a new administrative rule that before setting traps and snares, it shall be the duty of the person setting a trap or snare to study the weather reports for the next 48-hours and make a record of that data. It is expected that such person will not set traps and snares when a reasonable person would conclude that the weather-related complications would likely preclude checking traps and snares within 24-hours.
4. Create a new administrative rule which would allow Game, Fish and Parks personnel to release or euthanize an animal held in a trap or snare longer than 24-hours.
5. Create a new administrative rule which would allow any person, after receiving permission from a Game, Fish and Parks personnel, to release or euthanize an animal in a trap or snare longer than 24-hours.
6. Create a new administrative rule that requires any animals euthanized by an authorized person of Game, Fish and Parks, which a profit is generated, to be reverted back to Game, Fish and Parks.

7. Create a new administrative rule in which Game, Fish and Parks shall keep records on trap check time extensions and shall give an annual summary report to the Game, Fish and Parks

Motion by Phillips, second by Locken TO REJECT THE RECOMMENDED CHANGE.  
Motion carried unanimously.

Fisk presented the proposed rule change to modify existing administrative rule to require all traps and snares in South Dakota be checked prior to 12 o'clock midnight of the third full calendar day following a previous check or when the trap was initially set, and for any trap or snare entirely submerged in water that remains set beneath the ice to be checked prior to 12 o'clock midnight of the fifth full calendar day statewide, following a previous check or when the trap was initially set.

Motion by Phillips, second by Sharp TO REJECT THE RECOMMENDED CHANGES. Motion carried unanimously.

### **Muzzleloader Scopes**

Kirschenmann presented the recommended changes to the muzzleloading restrictions to make an allowance for 1-4x or 1-6x power scopes for seasons to muzzleloading firearms. He explained a petition was received by the Commission indicating that the non-telescopic sights are no longer available and have been discontinued by manufacturers. The department recommended the rule be repealed that limits telescopic scopes and allow the hunters to determine whether to use telescopic sights or not.

Motion by Sharp, second by Bies TO AMEND THE RULE AND REPEAL THE REQUIREMENT THAT LIMITS TELESCOPE SCOPES. Motion carried unanimously.

Motion by Sharp, second by Locken TO APPROVE THE CHANGES TO ALLOW THE USE OF MUZZLELOADER SCOPES AS AMENDED. Roll call vote: Boyd-no; Locken – yes; Bies - yes; Whitmyre - no; Phillips – no; Sharp- yes; Jensen-yes. Motion fails with 4 yes votes and 3 no vote.

### **Dog Training on Public Land**

Kirschenmann presented the proposed changes to adjust the day in which dogs can be trained using horses from Fridays, Saturdays, and Sundays to Mondays, Wednesdays, and Fridays. The Department recommends keeping the rule as is.

Motion by Sharp, second by Bies TO REJECT THE RECOMMENDED CHANGES. Motion carried unanimously.

### **CSP Coyote Hunting Season**

Switzer presented the recommended changes change to the CSP Coyote Hunting Season dates from December 26 – March 31 to December 26 – April 30 and remove the requirement of a free access permit.

Motioned by Boyd second by Locken TO APPROVE THE RECOMMENDED CHANGES TO THE CSP COYOTE HUNTING SEASON. Motion carried unanimously.

### **Mountain Lion Hunting Season**

Kirschenmann and Switzer presented the recommended changes to the mountain lion hunting season.

1. Change the season dates from December 26 – March 31 to December 26 – April 30.

Motion to approve by Phillips second by Boyd to APPROVE the RECOMMENDATION TO CHANGE. Motion Carried unanimously.

2. Increase the number of access permits in Custer State Park from 57 to 65.

Motion by Phillips second by Bies to APPROVE PROPOSAL FROM 57 TO 75. Motion carried unanimously.

3. Allow nonresident hunting opportunity and provide 250 nonresident lottery licenses.

Motion to amend by Phillips second by Whitmyre to AMEND PROPOSAL TO EXCLUDE CUSTER STATE PARK FROM NONRESIDENT HUNTING. Motion carried unanimously.

Motion by Locken second by Sharp to APPROVE AS AMENDED. Roll call vote: Boyd-no; Locken – yes; Bies - yes; Whitmyre - no; Phillips – no; Sharp-yes; Jensen-yes. Motion fails with 4 yes votes and 3 no vote.

4. Establish a nonresident license fee of \$280.

No action taken

5. Outside the Black Hills Fire Protection District, expand the allowance for the use of dogs that originates on private land to cross over or culminate on any public lands where unleashed dogs are permitted. The current restriction for the Fort Meade Recreation Area would remain.

Motion by Phillips second by Locken to REJECT PROPOSED CHANGE. Motion Carried. Roll call vote: Boyd-yes; Locken – yes; Bies - no; Whitmyre - no; Phillips – yes; Sharp- yes; Jensen-yes. Motion is passes to reject with 5 yes votes and 2 no vote.

6. Authorize the Commission to extend the hunting season beyond April 30.

Motioned by Phillips second by Boyd TO APPROVE THE RECOMMENDATION TO CHANGE THE SEASON DATES TO GO TO APRIL 30. Motion carried unanimously.

### **Hoop Nets and Set Lines**

Will Saylor, fisheries program administrator, presented the recommended changes as follows:

1. Add a definition of setline in rule.
2. Add traps to hoop net and setline regulation title.
3. Allow the use of wire fish traps.
4. Change hoop net, trap and setline rules to require them to be emptied by midnight the day following when they were set instead of 72 hours. This will improve the chance of live release of the few game fish caught on setlines and turtles in all gears.
5. Change hoop net, trap and setline gear restrictions on border waters to match those for inland waters.
6. Allow use of hoop nets, traps, and setlines in the James, Vermillion, and Big Sioux River mainstems.
7. Allow use of hoop nets and traps in western Missouri River tributaries to increase angler opportunity.

Motioned by Sharp second by Whitmyre TO REJECT THE RECOMMENDED CHANGES TO CREATE NEW RULES TO ALLOW THE USE OF HOOP NETS, TRAPS AND SETLINES IN THE JAMES, VERMILLION, AND BIG SIOUX RIVER AND REJECT THE USE OF HOOP NETS AND TRAPS IN WESTERN MISSOURI RIVER TRIBUTARIES. Motion carried unanimously.

Motion by Boyd, second by Phillips TO REJECT THE REMAINDER OF THE PROPOSAL<sup>[A1]</sup>. Motion carried unanimously.

### **Public Waters – Aeration**

Sayler presented the recommendation to create a new rule in 41:04 Public Waters to identify the department as the designated agent of the Commission for permitting use of aeration systems in meandered waters or other waters to which the state has acquired a right, title, or interest.

Motioned by Whitmyre, second by Phillips TO APPROVE REJECT THE CREATION OF THE NEW RULE. Motion carried unanimously.

### **Fish Importation**

Sayler presented the recommended changes to fish importation as follows:

1. Allow for a single importation permit from an out-of-state source to cover an entire year from their last fish health inspection to reduce paper work and staff time.
2. Specify in rule which fish species need to be tested for which pathogens of regulatory concern. This will reduce the costs for private industry and GFP to have fish health testing conducted.

Motion by Boyd, second by Locken TO APPROVE THE RECOMMENDED CHANGES TO FISH IMPORTATION RULES. Motion carried unanimously.

### **Aquatic Invasive Species**



Sayler presented the recommended changes to fish importation as follows:

1. Add spiny waterflea (*Bythotrephes longimanus*), round goby (*Neogobius melanostomus*), and white perch (*Morone americana*), to the aquatic invasive species (AIS) list in South Dakota.
2. Add Lakes Sharpe and Francis Case to the list of designated containment waters for AIS management in South Dakota.

Motion by Phillips, second by Boyd TO APPROVE THE RECOMMENDED CHANGES TO FISH IMPORTATION RULES. Motion carried unanimously.

#### **Rules Review Process Chapter 41:04 through 41:05 – Style and Form**

Kotilnek presented the recommended changes to administrative rules pertaining to GFP as part of the review process. The Department recommends the following rule changes for the following administrative rules in an effort to reduce redundancy, increase transparency and improve consistency:

##### **Chapter 41:04:01**

- |             |   |
|-------------|---|
| 41:04:01:01 | Applicability of chapter - Repeal   |
| 41:04:01:02 | Special purpose buoy specifications - Update authority.                   |
| 41:04:01:03 | Restricted area buoy markings - Update authority.                         |
| 41:04:01:04 | Reduced speed area buoy markings - Update authority.                      |
| 41:04:01:05 | Information buoy markings. Update authority.                              |
| 41:04:01:06 | Safety zones defined – Adjust language and update authority               |
| 41:04:01:07 | Buoy placement requirements - Adjust language and update authority.       |
| 41:04:01:08 | Diver-down flag requirements - Update authority.                          |
| 41:04:01:10 | Presence of persons in water near boat ramps prohibited-Update authority. |

Motion by Sharp, second by Phillips TO APPROVE THE RECOMMENDED CHANGES AS RECOMMENDED TO RULES IN CHAPTER 41:04:01. Motion carried unanimously.

##### **Chapter 41:04:02**

- |             |   |
|-------------|---|
| 41:04:02:02 | Beadle County public water safety zones – Update language             |
| 41:04:02:04 | Bon Homme County public water safety zones – Update language          |
| 41:04:02:06 | Brown County public water safety zones. Update language and authority |
| 41:04:02:07 | Brule County public water safety zones – Update language              |
| 41:04:02:09 | Butte County public water safety zones – Update language              |
| 41:04:02:11 | Charles Mix County public water safety zones – Update language        |
| 41:04:02:12 | Clark County public water safety zones – Update language              |
| 41:04:02:14 | Codington County public water safety zones – Update language          |
| 41:04:02:15 | Corson County public water safety zones – Update language             |
| 41:04:02:16 | Custer County public water safety zones – Update language             |
| 41:04:02:18 | Day County public water safety zones. Update language and authority   |
| 41:04:02:19 | Deuel County public water safety zones – Update language              |
| 41:04:02:20 | Dewey County public water safety zones – Update language              |
| 41:04:02:22 | Edmunds County public water safety zones – Update language            |



41:04:02:23 Fall River County public water safety zones – Update language  
 41:04:02:25 Repealed. Add Grant County public water safety zones (New Rule)  
 41:04:02:26 Gregory County public water safety zones – Update language  
 41:04:02:29 Hand County public water safety zones – Update language  
 41:04:02:30 Hanson County public water safety zones – Update language  
 41:04:02:32 Hughes County public water safety zones – Update language  
 41:04:02:33 Hutchinson County public water safety zones – Update language  
 41:04:02:38 Kingsbury County public water safety zones – Update language  
 41:04:02:39 Lake County public water safety zones – Update language  
 41:04:02:41 Lincoln County public water safety zones – Update language  
 41:04:02:42 Lyman County public water safety zones – Update language  
 41:04:02:43 McCook County public water safety zones – Update language  
 41:04:02:44 McPherson County public water safety zones – Update language  
 41:04:02:45 Marshall County public water safety zones – Update language  
 41:04:02:46 Meade County public water safety zones – Update language  
 41:04:02:49 Minnehaha County public water safety zones – Update language  
 41:04:02:51 Pennington County public water safety zones – Update language  
 41:04:02:52 Perkins County public water safety zones – Update language  
 41:04:02:53 Potter County public water safety zones – Update language  
 41:04:02:54 Roberts County public water safety zones – Update language  
 41:04:02:58 Stanley County public water safety zones – Update language  
 41:04:02:62 Turner County public water safety zones. – Update language  
 41:04:02:63.01 Union County public water safety zones – Update language  
 41:04:02:64 Walworth County public water safety zones – Update language  
 41:04:02:66 Yankton County public water safety zones – Update language

Motion by Phillips, second by Sharp TO APPROVE THE RECOMMENDED CHANGES AS RECOMMENDED TO RULES IN CHAPTER 41:04:02. Motion carried unanimously.

#### Chapter 41:04:03

41:04:03:01 Meandered water areas defined – Update language and update authority  
 41:04:03:02 Restriction of access prohibited – Update authority  
 41:04:03:03 Posting of signs prohibited – Language and update authority  
 41:04:03:04 Farming prohibited – Exception – Update language and authority  
 41:04:03:05 Modification prohibited – Exception – Update language and update authority

Motion by Whitmyre, second by Phillips TO APPROVE THE RECOMMENDED CHANGES AS RECOMMENDED TO RULES IN CHAPTER 41:04:03. Motion carried unanimously.

#### Chapter 41:04:04

41:04:04:01 Definition of terms - Update language  
 41:04:04:05 Requirements for dock and floating dock maintenance – Update language

Motion by Sharp, second by Locken TO APPROVE THE RECOMMENDED CHANGES AS RECOMMENDED TO RULES IN CHAPTER 41:04:04. Motion carried unanimously.

Chapter 41:04:05

- 41:04:05:01.01 Boat license fees – Update language
- 41:04:05:02 Life preservers required – Update language
- 41:04:05:03 Fire extinguishers required – Exception – Update language and authority
- 41:04:05:04 Flame arresters required – Update authority
- 41:04:05:04.01 Whistle required – Update authority
- 41:04:05:04.02 Bell required – Update authority
- 41:04:05:05 Ventilation required – Update authority
- 41:04:05:06 Navigation rules – Update language and authority
- 41:04:05:08 Restriction on right-of-way – Update authority
- 41:04:05:09 Blockage of docks forbidden – Update authority
- 41:04:05:15 Audible signals – Update language and authority
- 41:04:05:16 Emergency signals -- Boats to stop – Update authority
- 41:04:05:18 Lights required - Exception – Update language and authority
- 41:04:05:19 Overloading prohibited – Update authority

Motion by Phillips, second by Locken TO APPROVE THE RECOMMENDED CHANGES AS RECOMMENDED TO RULES IN CHAPTER 41:04:05. Motion carried unanimously.

Chapter 41:04:06

- 41:04:06:02 Commission action on petition to restrict recreational use of nonmeandered lake. – Update language and reduce redundancy
- 41:04:06:03 Due process requirements for interested parties from the public - Repeal
- 41:04:06:04 Appeal from commission's final action on petition to restrict recreational use of nonmeandered lake – Repeal.
- 41:04:06:05.01 Placement of department supplied signs – Update language

Motion by Locken, second by Sharp TO APPROVE THE RECOMMENDED CHANGES AS RECOMMENDED TO RULES IN CHAPTER 41:04:06. Motion carried unanimously.

Chapter 41:05:01

- 41:05:01:01 Types of refuges defined – Update language and authority
- 41:05:01:02 Hunting within a waterfowl refuge – Update language
- 41:05:01:03 Hunting and trapping within a state game refuge – Update language and authority
- 41:05:01:04 Hunting within a state game bird refuge – Update language and authority
- 41:05:01:05 Hunting within a federal refuge, park, or monument – Exception - Repeal

Motion by Phillips, second by Sharp TO APPROVE THE RECOMMENDED CHANGES AS RECOMMENDED TO RULES IN CHAPTER 41:05:01. Motion carried unanimously.

## Chapter 41:05:02

41:05:02:06	Brown County refuges – Update language
41:05:02:07	Brule County refuges – Update language and authority
41:05:02:08	Buffalo County refuges - Repeal
41:05:02:11	Charles Mix County refuges - Repeal
41:05:02:12	Clark County refuges – Update language
41:05:02:15	Corson County refuges - Repeal
41:05:02:18	Day County refuges – Update language
41:05:02:20	Dewey County refuges - Repeal
41:05:02:22	Edmunds County refuges – Update language and authority
41:05:02:24	Faulk County refuges – Update language and authority
41:05:02:25	Grant County refuges – Update language and authority
41:05:02:26	Gregory County refuges - Repeal
41:05:02:29	Hand County refuges – Update language
41:05:02:32	Hughes County refuges – Update language and authority
41:05:02:33	Hutchinson County refuges – Update language and authority
41:05:02:42	Lyman County refuges - Repeal
41:05:02:45	Marshall County refuges – Update language and authority
41:05:02:52	Perkins County refuges – Update language and authority
41:05:02:53	Potter County refuges - Repeal
41:05:02:54	Roberts County refuges – Update language and authority
41:05:02:57	Spink County refuges – Update language
41:05:02:58	Stanley County refuges – Update language
41:05:02:59	Sully County refuges - Repeal
41:05:02:64	Walworth County refuges - Repeal
41:05:02:66	Yankton County refuges – Update language and authority
41:05:02:68	Missouri River refuges – Update language

Motion by Phillips, second by Locken TO APPROVE THE RECOMMENDED CHANGES AS RECOMMENDED TO RULES IN CHAPTER 41:05:02. Motion carried unanimously.

### Park Entrance and Camping Fees

Scott Simpson and Al Nedved, parks assistant director, presented the recommended changes to park entrance and camping fees as follows:

1. Increase certain Park entrance fees and camping fees:

Park Entrance	License Current Fee	Proposed Increase	New Fee
Annual	\$30	\$6	\$36
Second Vehicle	\$15	\$3	\$18
Transferable	\$65	\$15	\$80
Daily	\$6	\$2	\$8
CSP Motorcycle 7-Day	\$10	\$10	\$20
<b>Camping Fees</b>			
Prime*	\$21	\$5	\$26

Preferred Campgrounds*	\$19	\$4	\$23
Modern Campgrounds*	\$17	\$3	\$20
Basic Equestrian CG except CSP	\$13	\$5	\$18
Semi-modern Equestrian CG except CSP*	\$19	\$7	\$26
CSP Modern Campgrounds*	\$25	\$5	\$30
CSP Equestrian Campground*	\$35	\$5	\$40
CSP Camping Cabins	\$50	\$5	\$55
Camping Cabins except CSP	\$45	\$10	\$55
Firewood	\$5	\$1	\$6
*Fee includes \$4 for sites where electricity is available			

2. Remove group lodge designation for Mina Lake (\$205) and designate as a modern cabin (\$150)
3. Increase the fee from \$10 to \$15 for each day a vehicle is in a park and does not display a valid park entrance license. This amount may be applied to the purchase of an annual park entrance license.
4. Create a new state-wide fee for Designated Tent-Only Campsites with no electricity at \$15.

Motioned by Sharp, second by Bies TO APPROVE THE RECOMMENDED CHANGES TO PARK ENTRANCE AND CAMPING FEES. Motion carried unanimously.

## **DIVISION OF WILDLIFE**

### **Mountain Lion Plan Adoption**

Chad Switzer detailed the recommended changes to the Mountain Lion plan and noted public input received.

Motion by Sharp, second by Bies TO ADOPT THE MOUNTAIN LION PLAN AS PRESENTED. Motion carried unanimously.

### **Budget Adjustment for GPA Equipment**

Paul Coughlin, terrestrials habitat program administrator, presented the request for a budget adjustment of not more than \$1,660,000 per the 2018-2019 GPA assessment that determined the need for habitat and access that should be established or enhanced.

Motion by Locken, second by Whitmyre TO APPROVE RESOLUTION 19-26 (appendix A) ALLOWING THE REQUESTED BUDGET ADJUSTMENT. Motion carried unanimously.

### **Waterfowl Licenses**

Tony Leif provided information and history on waterfowl licenses in South Dakota for residents and non-residents as well as the 3-year license drawing maps.

## **Education and License Data Dashboard**

Taniya Bethke and Kyle Kaskie presented data dashboards developed using the ESRI-Solutions GIS map tools. The GIS, R3 and Licensing teams have worked together in the past few months to create an education dashboard that shows all of the education outreach and programs that have been offered by topic, date and location across the state. The dashboard allows the education and R3 teams to identify gaps in outreach efforts, areas in programming that require further development, and ways that GFP can continue to diversify the audiences receiving programming. The second dashboard presented covers all unlimited licensing opportunities in the state. The dashboard shows license types purchased by county and can be sorted by when the license was purchased, and age and gender of license holder. The dashboard is also capable of demonstrating which counties are experiencing decreasing license sales which influences communication and marketing efforts, education and outreach opportunities, licensing and policy revisions, and overall has an incredible potential impact on the way we and other agencies do business.

## **Feeding Wildlife**

Chad Switzer presented the Commission information on feeding and baiting wildlife in South Dakota. He provided the rules and explained use of bait stations is prohibited for the use of hunting big game in South Dakota. He said severe winters can cause many people to be concerned about the welfare of wildlife and their ability to survive winter months. Currently does not conduct winter feeding and discourages the public from feeding deer and elk. When persistent severe winter conditions concentrate deer or elk onto private property, GFP may utilize short-stop feeding as a strategy to keep deer or elk off private lands and away from stored livestock feeds. Short-stop feed typically consists of corn and/or alfalfa hay. Because of the many issues associated with feeding wildlife, GFP uses short-stop feeding as a last resort to address depredation issues when other management techniques are not successful or practical.

## **License Sales Update**

Heather Villa, wildlife administration chief, explained license numbers are down overall. Angling is down 6% and small game is down 3.5% (both include combination). Total license numbers for angling and small game are down 6.5%. This is due to the extended winter. Heavy snowfall and moisture caused trip cancellations as well as delays for farmers and ranchers which in turn had a negative effect on license sales.

## **DIVISION OF PARKS AND RECREATION**

### **Flooding Update**

Parks Regional Supervisors Willy Collignon and Jeff VanMeeteren explained that over the past couple week's parks in eastern South Dakota have been heavily impacted from flooding with the storm events of September 11th and 12th compounding damages to infrastructure and revenue.

Lake Herman State Park, in Madison, experienced several feet of water over the entrance road and the lower campground to the point where a boat was used to inspect the area floating over the top of picnic tables, electrical RV pedestals and drinking fountains. Impacting the parks utility infrastructure, grounds and roads. The manager's family used a boat to get in and out of the park for more than a week. Camping



reservations were cancelled for two weeks. Cleanup has begun although staff is leery with more moisture projected into the fall.

Lake Thompson Recreation Area, near Lake Preston, experienced a rise of a couple additional inches in the lakes level. At these elevations causing a change of water over the park's entrance road to go from just over 300 feet in length to over 1,400 feet in length, where entrance with low clearance vehicles could be difficult. Also new at this lake level is the waves from the lake can reach the road and with recent winds brought in sand across the road like snow drifts over a foot deep in places. The park's biking and walking path is starting to receive damage from wind and wave erosion. The township road which provides access to the recreation area is also experiencing damage and water has now started to top the road in one location. The park remains open due to local staff's diligence in keeping the road safe for guests. Lake Thompson is a slow responding body of water and will take several months to recede which could cause more issues with freezing temperatures as the lake starts to freeze, covering the road with ice.

Lake Vermillion Recreation Area, near Canistota saw significant impact due to the heavy rain events with the Lake Vermillion rising to an all-time high. At this time it appears there was no major damage to the primary spillway, however, the secondary spillway which is designed to run across the main entrance road to the east campground was nearly obliterated leaving 5 campers stranded (but safe) in the park. A local contractor was used to immediately reconstruct a temporary road allowing the stranded campers to leave the park. A county bridge that serves as the main access to the east side was also destroyed, however, the county had planned to replace it next year. A detour will be planned for the remainder of this season and into next year until the county bridge is replaced. The east campground will also remain closed for the rest of this season until the east entrance road can be reconstructed (estimated cost of \$200K to replace approx. 300 ft. of road). All other park facilities are functional and the west camping areas remain open to the public.

Big Sioux Recreation Area, near Brandon was inundated with flood waters from the Big Sioux River once again, this time setting a record level that had not been seen since 1969 (50 years ago). All electrical pedestal breakers were replaced and one camping cabin saw some floor level flooding that required minor repairs. As of Sept. 24th the park was re-opened as flood waters receded and park staff were able to clean up debris and make the necessary infrastructure repairs. Staff will continue to work on replacing hiking trail surface materials, re-building portions of the hiking trail, playground surfacing, and clean-up many of the low areas throughout the park. The parks canoe/kayak access ramps are still unusable due to high river levels. One other significant feature of the park that will remain closed is the hiking trail suspension bridge that crosses the Big Sioux River until it can be re-set and thoroughly inspected for safety purposes.

Palisades State Park, near Garretson saw some impacts due to record levels on Split Rock Creek. Trail surface damage, fencing and a portion of a rock cliff fell over onto an adjacent trail. Portions of the trail will remain closed, but the main part of the park continues to remain open.

Good Earth State Park, near Sioux Falls and Adams Homestead & Nature Preserve, near Dakota Dunes both experienced low-land flooding causing portions of their popular hiking trails to remain closed (Good Earth affected by the Big Sioux River and Adams Nature Area by the Missouri River).

Buryanek Recreation Area, on the west side of Lake Francis Case near Platte is currently closed due to a gravel county road washing out that is used to access the park. Gregory County highway maintenance crews are working on higher priority roads at this time and estimate it will be around Oct. 7th before they can start working on the road. This road has washed out 3 times this year alone.

Platte Creek Recreation Area, on Lake Francis Case had a section of road shift/sluff causing the road to break up. The road is barricaded but people can still go through the overflow boat trailer parking lot to access the boat ramp.

North Point Recreation Area, on Lake Francis Case temporarily flooded again with 3 acres of the park going underwater and 6 campsites. Approximately 600 ft. of paved bike trail also flooded and the edge of this trail is seeing some significant erosion. Water levels have decreased and the majority of the park is useable at this time.

Spillway Lakeside Use Area, below Ft. Randall Dam continues to experience significant road and shoreline erosion due to releases out of Ft. Randall Dam. With the latest rain events, releases are expected to increase significantly (in excess of 70K) as the COE struggles to evacuate water from the reservoir system. As the release go up the erosion factor increases correspondingly. The boat ramp and gravel access road will remain closed until the releases decrease and the damages can be repaired.

These impacts will persist for some time and the Department is exploring resource needs and is planning for possible winter and spring thaw effects that may cause further hardships.

#### **Concessionaire Update**

Scott Simpson, parks and recreation division director, and Al Nedved, parks and recreation deputy director, provided an update on concessionaires

#### **Land Water Conservation Fund Grant Cycle**

Randy Kittle, grant and loan specialist, provided an update on the LWCF grant cycle and projects

#### **Recreational Trails Program Update**

Randy Kittle, grant and loan specialist provided an update on the recreational trails program.

#### **Revenue, Camping and Visitation Reports**

Scott Simpson, parks and recreation division director, provided an update on camping, revenue and visitation by district.

#### **SOLICITATION OF AGENDA ITEMS FROM COMMISSIONERS**

Commissioner Jensen requested additional discussion on recruiting the next generation at the September meeting.

**Adjourn**

Meeting adjourned at 10:24 A.M. Motion carried unanimously.

Respectfully Submitted,

A handwritten signature in black ink, reading "Kelly R Hepler". The signature is written in a cursive, flowing style.

Kelly R. Hepler, Department Secretary

**Appendix A**  
**RESOLUTION 19-26**

**REQUEST FOR BUDGET ADJUSTMENT**

WHEREAS, the Department of Game, Fish and Parks completed a Game Production Area (GPA) assessment in 2018-19 to determine current status of habitat and access on each GPA across the state; and

WHEREAS, through that assessment it was also determined what resources would be needed to elevate the habitat on each GPA to its desired level; and

WHEREAS, one of the key resources identified to create or enhance habitat and access on GPAs was the necessity to replace existing equipment as well as add new implements.

BE IT RESOLVED that the South Dakota Game, Fish & Parks Commission hereby authorizes a current year (FY2020) budget adjustment for costs associated with one-time equipment and associated truck purchases to support the implementation of the Game Production Area assessment.

The budget adjustment shall include an increase of not more than one million six hundred-sixty thousand dollars (\$1,660,000) in federal fund expenditure authority for the Division of Wildlife.

**Appendix B**  
**RESOLUTION 19-27**

WHEREAS, Scott Johnson of Fort Pierre, South Dakota, submitted a Petition to the Game, Fish and Parks Commission (Commission) dated September 13, 2019, requesting that the Game, Fish and Parks Commission amend Chapter ARSD 41:06:01 (Application for license) to add rules that change the current preference point system for all big game seasons to a true bonus point system 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 creating administrative rules that change the current preference point system for all big game seasons to a true bonus point system; and

WHEREAS, no quantifiable information exists that supports the contention that the current preference point system inhibits new hunters from submitting hunting license applications;

WHEREAS, Implementation of singular bonus point system would shift the proportional distribution of hunting licenses to those applicants with less preference points than under the current preference system; and

WHEREAS, there is general acceptance among hunting license applicants that license drawings should be weighted to favor applicants with higher than average accumulations of preference points; and

WHEREAS, the Department and Commission committed to a three-year implementation and evaluation period for deer license drawings when the commission adopted changes to the license drawing system in 2019.

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, Scott Johnson of Fort Pierre, South Dakota.



Public Hearing Minutes of the Game, Fish and Parks Commission  
October 3, 2019

The Commission Vice chair Scott Phillips began the public hearing at 1:58 p.m. CT at Americinn Conference Center in Chamberlain, South Dakota. Commissioners Gary Jensen, Travis Bies, Mary Anne Boyd, Jon Locken, Scott Phillips, Douglas Sharp, Robert Whitmyre were present. Phillips indicated written comments were provided to the Commissioners prior to this time and will be reflected in the Public Hearing Minutes. Phillips then invited the public to come forward with oral testimony.

**Chronic Wasting Disease**

Chris Hesla, SDWF, Pierre, SD Support the CWD proposal.

**Trapping Regulations**

John Hopple, South Dakota Trappers Association president opposed to the trapping regulations but do support trapping educational opportunities and are working with GFP on youth trapping education.

Craig Parkhurst, SDTA, Armour, SD only supports the 3 day trap check on one day trap check as it discourages trapping. Traps have not changed a lot over times and are not inhumane. Kill traps should not be lumped into these regulations. Some will not be happy and want to continue with more regulations until we are like other states and do not have trapping

Vince Logue, Western SD Fur Harvesters Oelrichs, SD opposed to the 24 hour trap check. Support the 3 day trap check and education. Work to support education in trapping and outdoor recreations. Would like to take exception to the comment on caring for animals. Sportsmen have vested interest in these creatures and do not want to cause damage or suffering.

Jamie Al-Haj, Rapid City, SD supports the 24 hour trap check time and recommends it be extended statewide and noted what surrounding states regulations. Here in regards to the humane concerns for the animals. Noted number of comments in opposition of longer trap check times. Respect the SD trappers and understand where they are coming from but are hearing from others that the 24 hours does work for example NE has similar terrain and crops and this is more humane and ethical. If you go back and look at the comments they are from all over the state and the animals belong to all of us and we are concerned for the psychological wellbeing of the animals. Traps can be checked with other methods so you do not disturb the trapping. Believe we can do better in this state. Please listen to the people of SD

Cheyne Cumming, Rapid City, SD supports not extending the trap check times. GFP mission statement where does allowing animals to suffer in a trap weight in as responsible. Need to agree to trap check time as the animals belong to all of us.

Nancy Hilding, Prairie Hills Audubon Society, Black Hawk, SD, would like to amend the trapping rule to release the animal and make it daily trap check not necessary 24 hours.

Finn Sacriso, WSDFHA, Bison, SD Western SD Fur harvesters Assoc. Bison, SD. Work a 10 hour day miles from home and trap for cattle producers who depend on me. These people have fewer problems because we manage. The fur costs barely cover

the expenses with little profit. I work hard to take care of landowners and enjoy the relationship I have with them and being in the outdoors with the wildlife. Need to work more on continued education of our youth.

John Hauge, Deadwood, SD as someone who worked for a fortune 500 company you need to set benchmarks. Do not understand why our trappers cannot meet this benchmark that other states can. Expect the commission to set these best practices. Need to be part of modern times

Paul Kuhlman, Avon, SD science teacher disagree with the 24 trap check and the new regulations are not reasonable for the hobby trappers and noted this is not a business. Noted that trappers often times trappers are traveling quite a distance from their home just to get to the area they are trapping.

### **Muzzleloader Scopes**

Wayne Lloyd, Wentworth, SD recommends leaving it up to the hunters if they want to use a scope or not.

Denise Parker, HSUS, Lead, SD, spoke in support of GFP's efforts to update the Mountain Lion Plan but feels the agency's objective to maximize hunting is not an effective strategy for conserving the species population or keeping conflicts low. She recommends GFP remove the unnecessary population objective and establish a cap on hunting quotas of no more than 14 percent of the adult and sub adult population to prevent killing above sustainable levels.

Jeff Krolkowski, Winner, SD rancher, houndsman, and sportsman. Supports the management plan. These are not a big problem, but are for some ranchers in certain locations.

Brad Tisdal, SD Houndsmen Association President, has spoken with all of you on many locations and thinks allowing nonresidents the opportunity is a great idea. This will improve access and opportunity. Houndsman get a bad rap like trappers often do. Ethics is something you do when no one else is watching and nobody is perfect and we do not want to do anything that isn't legal. We just want to peruse our sport like deer and pheasant hunters.

### **Dog Training on Public Lands**

Nancy in favor as it splits up the disturbance on prairie lands and it will help the birds

### **CSP Coyote**

Nancy questions the conflict with tourists and this is a state park and not public land. Need to follow science as it just doesn't work. People like coyotes and want to see them in a state park. Why is one animal more important than another animal in a state park. Why are tourists less important than the hunters?

Nick Falk, Harrold, SD it should be an individual's right and not require a department permit especially on the broad description of water.

### **Mountain Lion Hunting Season**

Chris Hesla, SDWF, Pierre, SD mountain lion do not support nonresident hunting. Understand this is a social and not biologic decision at this time. And there are other

things that could be done such as offering a second tag or adjusting the season date before allowing NR. Think the lions should not be hunted on public lands when chased off private land.

John Hauge, Deadwood, SD The numbers brought forward are bogus data.

Nancy Hilding, Prairie Hills Audubon Society, Black Hawk, SD harvest quota is too high and should be set at 14 percent. Disagrees with the entire proposal and it is a joke. Object to out of state hunters and hunting on public land. This increases the take when the take is already too high and the humane society is right. Need to set up units to be managed differently

### **Hoop Nets and Set Lines**

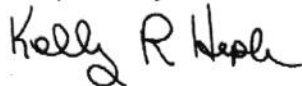
Jason Stansbury, Renner, SD bringing in hoop nets and set lines would be damaging to catfish wiping out a large population of these fish

Ted Ellenbecker, Beaver Creek, MN you want to introduce commercial harvest methods to small bodies of water. This is acceptable in larger bodies of water. If I was a landowner I would have a problem with this. This will cause new regulations. Set lines and hoop nets will block others who want to fish when others use set lines and hoop nets then go to the bar.

Vern Boer, Lyons, SD. Fish congregate in these areas and hoop nets will severely hurt our fishing industry as a commercial method of fishing. The Best thing to do in these areas is to take kids fishing as they are encourage when they have the opportunity to catch a few fish to encourage them.

See attached written public comments submitted prior to the public hearing  
The public Hearing concluded at 3:10 p.m.

Respectfully Submitted,



Kelly R. Hepler, Department Secretary

**GAME, FISH & PARKS**

523 East Capital

Pierre, SD 57501

(605)773-3396

Fax (605)773-6425

**Chris.Petersen@state.sd.us**

4

**REQUEST FOR LISTS OF LICENSE HOLDERS**

**Application**

Type of List Requested 2019 Big Horn Sheep License Holders

Number of licenses in list 3 or 4

Name of Person, Entity, or Organization requesting list:  
Spencer Thompson SDSU

Address of Person, Entity, or Organization:

How would you like your list sent to you: (email or disk)

Email

Email Address: [spencer.thompson@jacks.sdstate.edu](mailto:spencer.thompson@jacks.sdstate.edu)

Phone Number

605-496-5494

Purpose for which list will be used:

In a feature writing class at SDSU would like to contact current hunters regarding interest in an interview, maybe shadowing their 2019 hunt.

**This list is Names and Mailing Addresses ONLY**

The sale of lists by the Department of Game, Fish & Parks is authorized by SDCL 1-27-1 and ARSD 41:06:02:04, 05 and 06. The fee for a Game, Fish & Parks Commission approved exception is \$100, otherwise the fee is \$100 per thousand names or a minimum of \$100 whichever is greater.

Unless requested and approved as part of this request, the license list will not include anyone under eighteen years of age. Names are for one-time use only and are to be used only by the person, entity or organization approved per this request.

Authorized Signature of Purchaser

Date

Date of Commission Action

**GAME, FISH & PARKS**

523 East Capital  
Pierre, SD 57501  
(605)773-3396  
Fax (605)773-6425

Chris.Petersen@state.sd.us

4A

**REQUEST FOR LISTS OF LICENSE HOLDERS**

**Application**

Type of List Requested Taxidermist mailing list

Number of licenses in list \_\_\_\_\_

Name of Person, Entity, or Organization requesting list:

Bad River Beetles Alan Rislov

Address of Person, Entity, or Organization:

21310 Highland Rd  
Philip SD 57567

How would you like your list sent to you: (email or disk)

Email

Phone Number

(605) 685-5792

Purpose for which list will be used:

For advertising for euro mounts

**This list is Names and Mailing Addresses ONLY**

The sale of lists by the Department of Game, Fish & Parks is authorized by SDCL 1-27-1 and ARSD 41:06:02:04, 05 and 06. The fee for a Game, Fish & Parks Commission approved exception is \$100, otherwise the fee is \$100 per thousand names or a minimum of \$100 whichever is greater.

Unless requested and approved as part of this request, the license list will not include anyone under eighteen years of age. Names are for one-time use only and are to be used only by the person, entity or organization approved per this request.

Authorized Signature of Purchaser

Date

Date of Commission Action



## 2020 SCHEDULE FOR SETTING SEASONS/REGULATIONS

6

DATE/LOCATION	PROPOSALS/ACTION ITEMS	FINALIZATIONS/ACTION ITEMS	DOCUMENTS DUE TO COMMISSION
December 2019	Bighorn Sheep		January 1 > Oct. and Nov. Proposals to Finalize > Jan. Proposals
January 16-17 Pierre - RedRossa	Elk ** (Black Hills, Archery, Prairie, CSP) Elk Management Plan CSP Bison	(Oct. & Nov. Proposals)	
February	NO MEETING		February 19 > Dec. and Jan. Proposals to Finalize > March Proposals
March 5-6 Pierre - Ramkota	No Proposals Scheduled	(Dec. & Jan. Proposals) Bighorn Sheep Elk Elk Management Plan CSP Bison	March 18 > April Proposals
April 2-3 Sioux Falls – Good Earth State Park	Fall Turkey **		April 15 > March Proposals to Finalize > May Proposals
May 7-8 Custer State Park	Sage Grouse	(March Proposals)	May 20 > June Proposals
June 4-5 Pierre - Ramkota	Threatened & Endangered Species **		July 1 > April and May Proposals to Finalize > July Proposals
July 16-17 Fort Pierre - AmericInn	Bobcat ** Fishing Regulations ** Spring Turkey ** (Firearms, Archery, CSP)	(April & May Proposals) Fall Turkey Sage Grouse	
August	NO MEETING		August 18 > June and July Proposals to Finalize > Sept. Proposals
September 2-3 Rapid City – Outdoor Campus West	Elk Contingency Licenses (action item)	(June & July Proposals) T & E Species Bobcat Fishing Regulations Spring Turkey	September 16 > Oct. Proposals
October 1-2 Fort Pierre - AmericInn	No Proposals Scheduled		October 21 > Sept. Proposals to Finalize > Nov. Proposals
November 5-6 Brookings – McCrory Gardens	Waterfowl	(Sept. Proposals)	November 18 > Dec. Proposals
December 3-4 Fort Pierre - AmericInn	No Proposals Scheduled		December 23 > Oct. and Nov. Proposals to Finalize > Jan. Proposals
January 2021		(Oct. & Nov. Proposals)	

\*\*Seasons/regulations scheduled for 2 years.

Updated October 16, 2019

(SCHEDULE SUBJECT TO CHANGE)



## Petition for Rule Change

Changes in Administrative Rules require action by the [GFP Commission](#). State statute provides a process for individuals to formally request that the [GFP Commission](#) take action to adopt, amend or repeal an administrative rule.

This process requires individuals to submit the following information:

- Text of a new rule, amendment to existing rule, or request to repeal a rule;
- Identification of the rule itself;
- Reasons for changes; and
- Full name and mailing address.

Upon receipt of the below form, the [GFP Commission](#) must act within 30 days to either accept the petition and initiate the process of making the change or deny the request and state its reasons for the denial.

### Petitioner

First Name **This is a required field.**

EUGENE E DRESSLER

Last Name **This is a required field.**

DRESSLER

Address

120 W Park N.E.

WAGNER

City

SD

State

South Dakota

57380

Zip

Email

G6DRESSLER@HciNet.Net

Phone

XXX-XXX-XXXX 605-491-1665

## Petition Information

## Rule Identification

CUSTER PARK ELK

## Describe the change you are seeking

This is a required field.

AGE over 70 plus number  
of years preference 30 over  
to be in a separate draw of a black tap } 100 total & over  
preference 100

## Explain the reason for the described change

This is a required field.

I will be 90 next birthday  
senior & I am still in good  
health & can walk. I have put in for over 50 years



I'm not a robot

reCAPTCHA  
Privacy - Terms



DRESSLER VETERINARY SUPPLY  
WAGNER, SOUTH DAKOTA 57380  
PHONE (605) 491-1665

GENE DRESSLER, DVM

South Dakota Game Commission  
HWY 523 East Capital  
Pierre, SD 57507

Dear Commission Members,

I am Gene Dressler from Wagner, SD.

I have been put in for Custer Park Elk tag for approximately 50 years and have yet to receive one. I have been applying with a preference point for 37 years. I should have 39 preference points instead of 37, one year I had a time conflict in October, when I could not go. So a game warden at the Sioux Falls sports show told me I should not put in as I would probably get a tag. I do not know why I did not get preference point.

About 3-4 years ago, I applied online and I must have messed up because when I didn't hear I called the game department and they said I did not apply. I must have done something wrong on my application. At any rate I did not get a preference point that year either.

I also had put in for Custer Park for 10-12 years before there was preference points issued. At that time, I had to send in all the money before I was eligible to draw. I will be 90 years old, October 2<sup>nd</sup>, 2020 and that is the earliest that I can draw a tag. I can still walk fairly well and am still in good health. I would like to see a better system for people like me to have a better chance in drawing a tag in Custer Park. I would like to see the game commission consider a person with 100 points, age plus preference. For example, a person at the age of 70 plus 30 preference points would be eligible for a separate draw with a few tags. I would suggest that for out of the park also.

Sincerely yours,

Gene Dressler, DVM  
Wagner, SD

**Comes, Rachel**

---

**From:** info@gfp.sd.us  
**Content:** Tuesday, November 05, 2019 10:56 AM  
netscape.net, hooksette  
**Cc:** Comes, Rachel  
**Subject:** Petition for Rule Change Form

## **South Dakota - Game, Fish, and Parks**

# **Petition for Rule Change**

A new form was just submitted from the <http://gfp.sd.gov/> website with the following information:

ID: 80  
Petitioner Name: Ted Ellenbecker  
Address: Beaver Creek, MN 56116  
Email: [hooksette@netscape.net](mailto:hooksette@netscape.net)  
Phone: 605-370-4579  
Rule Identification: 41:07:03  
Describe Change: Would like to limit the taking of flathead catfish to 1 fish over 28inch per day per person. Would request this regulation be implemented statewide.  
Reason for Change: This would allow for the growth of more trophy sized flathead catfish. Will go into more detail regarding the rationale at the public hearing.



Ted Ellenbecker

regulation proposal

November 3, 2019

#### Flathead trophy water proposal

This proposal is made with the hope of protecting the trophy class flathead catfish in certain destination bodies of water in the state of South Dakota. Comments I will make are supported by state fishery departments not limited to but including the SD fisheries. The goals are to allow specific bodies of water to achieve their potential. To protect a group of trophy catfish that belong to a residential population, these fish are not transient as are the blue and channel catfish. Secondary benefits would include the start of education about a species that is unquestionably misunderstood in the state of SD. The Flathead may be the most advanced predator in this state. And finally Catfishing and catfishermen have been considered a "lesser" in this state. Unfortunately people think of many things by what they are told and hear from others. Catfishing is no longer simply throwing a bait into dirty water. If anyone would like to hear more in detail I am available to answer any question concerning this. As well as provide research results from other states if requested.

#### The request

We request a regulation limiting the daily limit on flathead catfish to 1 per day per angler over 28". This puts this fish at approximately 10 pounds which is the point at which these fish are considered "a good fish" by most anglers in this state. At this size these fish are about 10 years old. At this point they can also increase yearly gain sub-

stantially. This allows the angler a daily bag limit of smaller fish and the capability of keeping one bigger fish if desired. We do not want to prevent harvest, we want to improve the fishery and number of larger fish available to all anglers. Simply manage it so all have the opportunity to enjoy a big fish. It also allows the tournaments on these waters to allow some good flatheads to come to the scales.

Why The Flathead will work in the development of a trophy fishery,  
as well as why this is needed for this species

#### WHY THE NEED;

1) The increase in fishing pressure on some very small bodies of water due to overall human population increases in the area as well as an increase in interest in the sport itself. Also the increase in tournaments on the waters we will list for your consideration.

2) This species is a residential population spending its time in limited areas. "this is documented by several game and fish agencies". In short this means the population can be over fished on smaller waters quite easily, especially the smaller population of bigger fish.

3) During the spring "pre spawn" movement this species become concentrated in areas for a period of normally 30 to 60 days making the bigger fish very vulnerable to angler. this occurs as well in the fall for a shorter period.

4) It takes 10 years to grow a 10 lb fish, 20 yrs to go into the twenties, when one of this size is removed it will not be replaced for along time. remember they are a residential population. These waters do, when allowed grow fish 50 LB +.

5) In the state of SD this is the largest predator available to the angler! yes even bigger and stronger than the infamous musky.

largest fish available to the rod and reel angler. except possibly the snagging of paddlefish.

6) this species offers ALL anglers the opportunity to target a large trophy class fish in the state of SD regardless of personal finances, no boat needed, no sponsorships needed.

#### Why The Flathead Will Work In A SD Trophy Water Project

- 1) Everyone wants to catch a big fish!
- 2) According to Kansas fishery The flathead is a manageable trophy fishery!
- 3) Flathead are resilient and are an excellent catch and release species!
- 4) This species remains in its home territory! So is manageable.
- 5) can and does grow to over 50lbs in our waters!
- 6) no cost for the state to establish this fishery!
- 7) recruitment fish are available to move into the trophy class
- 8) waters suggested are already destination waters for this species
- 9) anglers from SD, IA, MN, and NE come to these waters to fish for flatheads
- 10) national popularity is on the rise

## The area proposed

I will offer three suggestions for consideration with the understanding of potential issues with neighboring states. Please note these waters are already destination waters for this species. Also all waters are flowing bodies of water so winter kills are rare and never complete. this allows an ongoing improvement with management.

1) the area of Eastern Sd made up of the James river, the vermilion river, the Sioux river, and the missouri river from Yankton dam downstream to the state lines. The area of this layout, and size have been researched and would without question support and facilitate a fishery like this.

2) The James river, the Sioux river, and the vermillion river.

3) If issues with neighboring states becomes an issue the James river itself is a inland water for the state of SD requiring no contact with other states. This option would result in more limited results but would still be a viable place to start if that type of beginning is desired

Again I am willing and prepared to answer any and all questions from anyone that would like to ask. There is a time to do what is right. For SD, this species, these waters, and the people that utilize these waters now id the time. Thank you for your consideration. I look forward to hearing from you and looking forward to preparing a proper proposal. Ted Ellenbecker

## GAME, FISH AND PARKS COMMISSION ACTION PROPOSAL

### Spring Turkey Hunting Season

Chapters 41:06:13

Commission Meeting Dates:	Proposal	November 7-8	Watertown
	Public Hearing	December 12	Madison
	Finalization	December 12-13	Madison

#### COMMISSIONER RECOMMENDATION

##### Current Rule

- A person is not allowed to use a rimfire, centerfire or muzzleloading rifle during the spring turkey season.

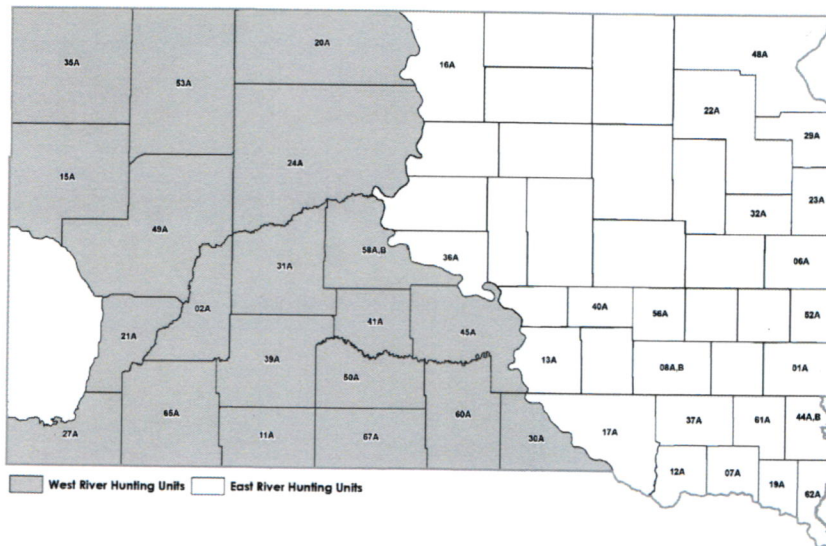
##### Recommended changes

- Allow the use of rifles (rimfire, centerfire, and muzzleloading) on private land (excluding private land leased by GFP for public hunting access through the Walk-In Area program) for West River spring prairie hunting units.

#### SUPPORTIVE INFORMATION

Some individuals have contacted the department and commissioners on the topic of no longer allowing the use of rifles for hunting turkeys during the spring season. As a commissioner, I would like to provide some level of opportunity for the use of rifles, in particular on private land. A reasonable compromise seems to be the allowance of rifles on the west river prairie hunting units, but retain the prohibition of rifles in the Black Hills unit.

### Spring Turkey Hunting Units



APPROVE \_\_\_\_\_ MODIFY \_\_\_\_\_ REJECT \_\_\_\_\_ NO ACTION \_\_\_\_\_



#### RESIDENT/NONRESIDENT CRITERIA

Not Applicable

#### RECRUITMENT, RETENTION, REACTIVATION (R3) CRITERIA

1. Does the regulation or fee inhibit a user's ability to participate?
  - There are hunters who choose to use rifles to hunt turkeys in the spring and the current prohibition may inhibit them from participating.
2. Does the regulation increase the opportunity for new and existing users?
  - Should the prohibition of rifles be removed, it would allow existing turkey hunters who have historically used rifles to continue a method of preference.
3. How does the regulation impact the next generation of hunters, anglers, trappers and outdoor recreationists?
4. Does the regulation enhance the quality of life for current and future generations by getting families outdoors?
  - For those who desire to hunt with a rifle, it is assumed the allowance to use a rifle would have a positive impact on their hunting experience.

APPROVE \_\_\_\_\_ MODIFY \_\_\_\_\_ REJECT \_\_\_\_\_ NO ACTION \_\_\_\_\_

### State Statutes: Landowner Licenses

**41-6-2. License not required to hunt certain animals or fish on owned or leased land during open season.** A resident of this state may hunt or take in a lawful manner fox squirrel, grey squirrel, red squirrel, cottontail rabbit, game birds, or fish during an open season on land or waters on land owned or leased by the resident without first securing a license to do so. Notwithstanding any other provisions of law, a resident is not in violation of any season, daily, or possession limit established for the species of fish in a man-made water body on land owned by the resident provided the resident owns the bed of the water body in its entirety, and the fish taken remain on the resident's land, unless said body of water has been stocked or managed by the Department of Game, Fish and Parks within the past five years.

**41-6-3. License not required to hunt fur-bearing animals on own land during open season.** A resident of this state may catch, trap, or kill protected fur-bearing animals upon land occupied by him without obtaining a license so to do, during any period when hunting, catching, taking, trapping, or killing such animals is permitted.

**41-6-21. Limiting number of big game licenses--Preferences in eligibility--Application by ineligible person as misdemeanor.** The Game, Fish and Parks Commission may, by rules promulgated pursuant to § 41-2-18, set the number of licenses issued for the hunting, taking, or killing of any big game animal during any season and establish who is eligible to apply for such licenses. Any person in the armed services of the United States who is absent from this state on active duty during the entire time for making application, and is otherwise qualified and a resident of South Dakota, may apply for and shall receive deer, turkey, and antelope licenses. In addition, any spouse and any minor dependent child of such a person in the armed services who are also absent from this state during the entire time for making application, and are otherwise qualified, may apply for and shall receive deer, turkey, and antelope licenses. In establishing eligibility, the commission may give preference to persons who actually operate or live as owner or tenant on agricultural, timber, or grazing lands situated within the areas opened to such big game hunting. It is a Class 2 misdemeanor for anyone to apply for such licenses except those persons whose eligibility has been established by statute or rule of the Game, Fish and Parks Commission.

**41-6-19.3. Resident farmer or rancher limited deer or antelope license.** If a resident farmer or rancher who owns or leases for agricultural purposes the minimum acreage of privately-owned farm or ranch land to qualify for landowner preference as prescribed by rules promulgated by the Game, Fish and Parks Commission and who actually resides on the land, or is an owner-operator of the land, has not received a big game license pursuant to § 41-6-19 that permits the harvest of a buck during the west river prairie deer season, east river deer season, Black Hills deer season, or firearm antelope season set by the Game, Fish and Parks Commission pursuant to § 41-2-18, the farmer or rancher may obtain one any-deer license, one any-antelope license, one license that has

one any-deer tag and one any-antlerless deer tag, or one any-antelope and one doe/kid antelope tag that is valid only on lands owned or leased by the farmer or rancher within any unit for the specified hunting season.

If a member of the immediate family of the farmer or rancher qualified to obtain a license under this section has not received a big game license pursuant to § 41-6-19 that permits the harvest of a buck during the west river prairie deer season, east river deer season, Black Hills deer season, or firearm antelope season set by the Game, Fish and Parks Commission pursuant to § 41-2-18, the immediate family member may also obtain one any-deer license, one any-antelope license, one license that has one any-deer tag and one any-antlerless deer tag, or one any-antelope and one doe/kid antelope tag that is valid only on lands owned or leased by the resident farmer or rancher within any unit for the specified hunting season.

Upon receipt of the application prescribed by the department and applicable fee, the Department of Game, Fish and Parks shall issue a limited license that restricts the holder to the taking of the big game animals as designated on the license only from the privately-owned farm or ranch lands owned or leased by the resident farmer or rancher. The holder of the license may not take any big game animal from land owned or leased by other persons.

**41-6-19.4. Immediate family defined for limited deer permit.** For the purposes of issuance of the limited permit pursuant to § 41-6-19.3, the term, immediate family, means the applicant, the applicant's spouse, and the applicant's children residing with the applicant or on land owned or leased by the resident farmer or rancher.

**41-6-19.8. Resident antlerless deer licenses restricted to farm or ranch lands owned or leased by license holder.** In addition to any deer license authorized pursuant to § 41-6-19.3 or any other provision of law, in areas designated by the Department of Game, Fish and Parks, any farmer or rancher who is a resident of South Dakota and who owns and operates or leases and operates, for agricultural purposes, at least one hundred sixty acres of land may apply for and receive two antlerless deer licenses free of charge for use as provided in this section during the west river prairie deer season, east river deer season, or other deer season set by the commission pursuant to § 41-2-18. The five-dollar surcharge established pursuant to § 41-2-34.2 does not apply to the licenses provided for in this section. The licenses may only be used in areas designated by the department on lands owned or leased by the farmer or rancher within any unit for the specified hunting season. Not more than two such licenses may be issued for use on any single farm or ranch. Upon receipt of an application prescribed by the Department of Game, Fish and Parks that meets the requirements of this section, the department shall issue two antlerless deer licenses that restrict the holder to the taking of the big game animals as designated on the license only from the farm or ranch lands owned or leased by the farmer or rancher. The license does not authorize the holder of the license to take any big game animal from land owned or leased by other persons.

**Administrative Rules: Landowner Licenses****41:06:00.01:02. Definitions. As used in this article, the following terms mean:**

(18) "Agricultural purposes," the producing, raising, growing, or harvesting of food or fiber upon agricultural land, including dairy products, livestock, crops, timber, and grasslands. Land leased solely for hunting, fishing, or trapping is not considered agricultural purposes;

(19) "Operate," to lease or hold fee title to farm or ranch real property and be directly involved in the management decisions made for agricultural purposes on the farm or ranch;

(20) "Owner-operator," an individual holding fee title to farm or ranch real property who is directly involved in the management decisions made for agricultural purposes on the farm or ranch.

**41:06:01:07. Landowner preference limited by acreage.** In big game seasons where landowner preference is established, the related provisions in SDCL 41-6-21 shall apply only to any landowner and tenant on private land tracts of 160 acres or more unless otherwise provided in the season rules. No such preference may be claimed by an applicant unless the private land is located within the hunting unit applied for.

**41:06:01:07.01. Landowner preference application requirements and restrictions.** A landowner or tenant, but not both, may claim landowner preference for the same qualifying property. Employment on a farm or ranch alone does not qualify an individual for landowner preference.

**41:06:01:07.02. Restrictions on landowner preference for legal entities.** Shareholders of a corporation, members of a limited liability company holding a membership interest in the company, partners in a partnership, and beneficiaries of a trust entitled to the current income and assets held in trust; all organized and in good standing under the laws of the State of South Dakota are eligible for landowner preference if:

- (1) The entity holds title to 160 acres or more of private land located within the hunting unit applied for;
- (2) The shareholder, member, partner, or trust beneficiary applying for landowner preference is a resident; and
- (3) The shareholder, member, partner, or trust beneficiary is responsible for making the day-to-day management decisions for agricultural purposes on the farm or ranch.

**41:06:01:13. Designation of areas where free antlerless deer licenses can be used by farmers and ranchers.** Antlerless licenses authorized by SDCL 41-6-19.8 may be issued to any qualifying farmer or rancher for use in the West River, East River, Apprentice hunter, Archery, and Muzzleloading deer hunting units. Antlerless whitetail deer licenses will be available to qualifying applicants in hunting units which offer a deer license with multiple tags for antlerless deer in the lottery drawing for the East River and West River deer seasons. The requirements and equipment restrictions for each deer season apply to any free antlerless license issued.

**41:06:01:15. Elk application requirements.** The following requirements and restrictions apply to all applications for license for the Black Hills elk season, the archery elk hunting season, and the prairie elk hunting season:

- (1) Only a resident of the state may apply for a license;
- (2) Except for a qualifying landowner-operator applicant, and except as provided in § 41:06:01:09, a person who received an elk hunting license for this season in the first lottery drawing or the second drawing by using preference points in any of the nine preceding years may not apply for a license under this chapter for the next nine years; and
- (3) Fifty percent of the licenses are available to persons who qualify for landowner-operator preference under the provisions of SDCL 41-6-21. A minimum of 240 acres of land within an elk unit which has had at least 500 days of elk use since the last day of the previous application period is required to qualify. An elk use day is any day an elk feeds or waters on private land. For purposes of elk preference eligibility, members of the qualifying landowner-operator's family including grandparents, parents, spouse, children, children's spouse, or grandchildren who live on the ranch or in the closest community and have an active role in the ranch operation also qualify. Only one qualifying applicant per ranch unit per year may apply for a landowner-operator preference elk license in the first draw. A ranch unit is described as all private property owned and leased for agricultural purposes by written agreement by an individual qualifying landowner in the state. A ranch unit may not be subdivided for the purpose of qualifying for more than one landowner-operator preference.



# License Sales Totals

(as of Nov 3)

date updated: 4 November 2019

<b>Resident</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>+/- Licenses</b>	<b>+/- Revenue</b>
Combination	46,672	47,496	46,520	44,862	42,932	-1,930	\$ (106,150)
Junior Combination	7,997	7,955	7,585	6,886	6,475	-411	\$ (11,097)
Senior Combination	7,696	8,402	8,924	9,372	9,549	177	\$ 7,080
Small Game	20,175	18,305	13,820	14,527	12,535	-1,992	\$ (65,736)
Youth Small Game	4,816	4,501	4,028	3,842	3,409	-433	\$ (2,165)
1-Day Small Game	844	823	691	679	703	24	\$ 288
Migratory Bird Certificate	28,056	26,400	25,541	25,068	24,152	-916	\$ (4,580)
Predator/Varmint	1,462	1,666	1,372	1,439	1,371	-68	\$ (340)
Furbearer	2,993	2,749	2,725	3,005	3,278	273	\$ 8,190
Annual Fishing	63,235	62,337	61,152	56,732	51,938	-4,794	\$ (134,232)
Senior Fishing	12,698	12,807	13,167	12,899	12,588	-311	\$ (3,732)
1-Day Fishing	6,208	6,293	6,120	5,501	5,471	-30	\$ (240)
Gamefish Spearing/Archery	2,705	2,732	2,907	2,977	0	-2,977	\$ (14,885)
<b>Nonresident</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>		
Small Game	59,294	58,684	45,886	47,028	43,978	-3,050	\$ (369,050)
Youth Small Game	1,713	1,762	1,313	1,288	1,042	-246	\$ (2,460)
Annual Shooting Preserve	343	348	340	266	256	-10	\$ (1,210)
5-day Shooting Preserve	7,548	7,927	8,385	8,623	8,764	141	\$ 10,716
1-day Shooting Preserve	788	907	778	864	825	-39	\$ (1,794)
Spring Light Goose	4,249	3,965	4,494	4,714	2,810	-1,904	\$ (95,200)
Youth Spring Light Goose	161	141	159	179	94	-85	\$ (2,210)
Migratory Bird Certificate	970	1,025	992	1,390	1,466	76	\$ 380
Predator/Varmint	4,476	4,655	4,716	4,848	4,454	-394	\$ (15,760)
Furbearer	9	6	12	8	10	2	\$ 550
Annual Fishing	26,552	27,852	26,092	25,877	22,728	-3,149	\$ (210,983)
Family Fishing	9,342	9,674	9,324	8,726	8,015	-711	\$ (47,637)
Youth Annual Fishing	1,477	1,611	1,335	1,236	1,115	-121	\$ (3,025)
3-Day Fishing	24,421	25,239	23,998	23,999	22,091	-1,908	\$ (70,596)
1-Day Fishing	21,447	23,268	21,857	19,732	19,289	-443	\$ (7,088)
Gamefish Spearing/Archery	653	703	675	733	0	-733	\$ (3,665)
<b>TOTALS =</b>	<b>369,000</b>	<b>370,233</b>	<b>344,908</b>	<b>337,300</b>	<b>311,338</b>	<b>-25,962</b>	<b>\$ (1,146,631)</b>

**RESOLUTION 19-28**

WHEREAS, the South Dakota Game, Fish and Parks Commission has been advised that Sally M. Paulson is an owner of a cabin located in Custer State Park (Custer County) on property described as:

Jury Box, Tepee Nopa No. 6 in the Southwest Quarter (SW1/4) of the Southwest Quarter (SW1/4) of Section Thirty (30), Township Three (3) South, Range Six (6) East, of the Black Hills Meridian, 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 Sally M. Paulson 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 Sally M. Paulson is deceased and per the Estate desires to and have transferred and assigned all of her joint interest in said cabin and cabin site permit to Charles Paulson; 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.

## SETTLEMENT AGREEMENT

This Settlement Agreement is made and entered into this \_\_\_\_ day of November 2019, by and between the State of South Dakota, Department of Game, Fish and Parks (hereinafter "GFP"), of 523 East Capitol, Pierre, SD 57501, and Roy Lake Resort, LLC (hereinafter "Concessionaire") of 11571 Northside Drive, Lake City, SD 57247.

WHEREAS, Concessionaire is the concessionaire under an existing concession lease agreement with GFP, for the operation of resort facilities and concessions at Roy Lake State Park, which said concession lease will expire on December 30, 2019; and

WHEREAS, the Parks and Recreation Division of GFP is presently in the process of developing a Prospectus for the issuance of a new concession lease at Roy Lake State Park (hereinafter "New Concession Lease"); and

WHEREAS, the parties desire to enter into an agreement in advance to resolve issues that may arise in connection with the Prospectus, solicitation of bids and awarding of the New Concession Lease and to anticipate the possibility of transfer of the operations and assets at Roy Lake Resort to a new concessionaire;

NOW, THEREFORE, in consideration of the mutual covenants and agreements hereinafter made by and between the parties hereto, the parties agree as follows:

1. The parties hereby agree that the Prospectus which is currently being developed in connection with soliciting bids for the new Roy Lake State Park concession lease will provide for the following:
  - a. That a new concessionaire shall be required to purchase the following at a price of \$449,000:
    - i. Concessionaire's interest in Concessionaire Facilities and associated personal property as more fully explained and itemized on the "Asset List" attached hereto as Exhibit "A" and incorporated herein by this reference; and
    - ii. Concessionaire's intangibles used in providing concession services as itemized on the "Intangible Listing" attached hereto as Exhibit "B" and incorporated herein by this reference
  - b. Closing is anticipated to take place prior to December 31, 2020. The closing site shall be a neutral site such as a title insurance company or bank in South Dakota. Any escrow closing costs shall be the expense of the new concessionaire. Concessionaire shall cooperate with all reasonable closing requirements which are necessary to close the transaction in a business-like manner. Concessionaire will upon full payment for all such

45

property on the appraisal, provide a Bill of Sale to the new concessionaire at closing.

- c. All payments required under this Agreement and under the Prospectus to Concessionaire by the new concessionaire or GFP shall be made in full at the time of closing.
2. The parties agree that upon transition of management and operations from Concessionaire to a new, as yet to be identified or selected concessionaire at the termination of the current concession agreement, it may be necessary for purposes of purchase by a new concessionaire to conduct an inventory of equipment, personal property and perishable items maintained in stock and in the possession of Concessionaire at the termination of the concession agreement. Values and compensation for inventoried items shall be inventoried and valued as agreed upon by Concessionaire and the new Concessionaire.
3. The parties agree that upon transition of management and operations from Concessionaire to a new, as yet to be identified or selected concessionaire at the termination of the current concession agreement, it will be necessary for new concessionaire to obtain licenses for various services such as food service, lodging, etc. Current licenses held by Concessionaire may be transferred to or purchased by new concessionaire, where allowable, as agreed upon by Concessionaire and the new concessionaire. In any event, it shall be the responsibility of the new concessionaire to obtain and secure all applicable licenses.
4. Concessionaire agrees to cooperate with GFP in scheduling and providing staff to assist with an initial site visit by prospective prospectus bidders. The Concessionaire may conduct site visits for interested parties on a walk-in basis only, provided, however, that GFP shall be provided immediate notice of such site visit as well as contact information for the party involved and a listing of any information or documentation disclosed by Concessionaire to the party involved which is not already disclosed in the prospectus. Concessionaire acknowledges that any information it discloses to any such walk-in party shall also be disclosed by GFP to all identified interested parties of record. Additional site visits may be coordinated by either GFP or Concessionaire, and arrangements for such additional site visits shall be made by mutual written agreement at least twenty-four (24) hours in advance to keep to a minimum any disruption to Concessionaire or resort guests. Concessionaire agrees to waive any claim for compensation for the time of its principals or staff in participating in site visits of the premises. Concessionaire agrees that it will not independently respond to information inquiries or documentation requests received from potential prospectus bidders. In the event it receives such inquiries, Concessionaire agrees to advise any potential prospectus bidders that any inquiries must be made in writing directed to GFP. If GFP is unable to provide a satisfactory response to such inquiries, it will forward such inquiries to Jan Pitzl as Concessionaire's designated representative, who shall within seven (7) days of his receipt thereof provide GFP with Concessionaire's reasonable written response to

such inquiries. Upon its receipt of Concessionaire's responses, GFP will forward responses to inquiries to all Prospectus bidders. In addition, Concessionaire agrees to waive any claim for compensation for the time of its principals or staff spent in participating in a tour of the premises and reasonable review of the property with a prospective or new concessionaire.

5. Concessionaire agrees to cooperate with GFP in compiling any pertinent financial information and statements as may be reasonably requested by potential bidders. Concessionaire further understands that any information provided pursuant to a request from a potential bidder will be provided to all potential bidders who have made an information request. Existing financial information provided to and on file with GFP as required by the existing Concession Agreement may be disclosed to potential bidders. Any financial information disclosed to potential bidders will be under letter of confidentiality.
6. Concessionaire, its officers, and authorized representatives, agrees to take no actions or make representations of any kind which are designed or intended to discourage or influence interested parties from bidding for the new Roy Lake State Park Concession Lease or to influence the amount of the bid by a prospective concessionaire. Concessionaire will not misrepresent any matters concerning the resort facilities or concessions to a prospective concessionaire.
7. Following selection of the new concessionaire, Concessionaire shall provide the new concessionaire and GFP with a lodging reservation summary as of the last day of the month prior to the selection of the new concessionaire and thereafter update it on a monthly basis. The reservation summary shall include, for each lodging facility, a summary of the dates of stay, estimated rates, and amounts of advanced deposits received. The names of the guest, guests' addresses, contact information and dates of stay by guests or slip renters will be held by the Concessionaire until closing unless an earlier agreement is reached between Concessionaire and a new concessionaire. At closing, Concessionaire shall provide a new concessionaire with a complete accounting of receipts for advance reservations and advance deposits received prorated to the date of possession. Concessionaire shall retain an amount equal to the lodging fee for the first night's stay for each customer reserved in advance by Concessionaire. The remainder of the advanced deposits will be paid over to the new concessionaire at the time of closing. Concessionaire agrees not to make any reservations at an amount less than the full normal rate.
8. The parties agree that upon execution of a new concession lease and transfer of Concessionaire's Possessory Interest in Concessionaire Facilities and intangibles to a successor, the Concessionaire shall be required to provide GFP with satisfactions of all collateral assignments, financing statements and mortgages which Concessionaire has provided to any financial institution in connection with the property interests being sold and transferred to the new concessionaire.



9. This Agreement reflects the complete and final expression of the parties' agreement, superseding all prior negotiations or agreements, whether written or oral. This agreement may not be modified or amended except in writing executed by both parties.
10. Any reference in this agreement to a party shall be construed to include that party and its officers and directors, shareholders, members, successors, assigns, heirs, devisees, administrators, parents and subsidiaries, affiliates, employees, and agents. This Agreement is binding upon and inures to the benefit of each party to this agreement, and to all officers, directors, shareholders, members, successors, assignees, devisees, administrators, parents and subsidiaries, affiliates, employees, and agents.
11. This Agreement may be executed in identical counterparts. Each counterpart shall be deemed an original of this Agreement.
12. The parties agree to execute, file and deliver such additional documents and instruments, and to perform such additional acts as are necessary, appropriate, or reasonably requested to effectuate, consummate, or perform and of the terms, provisions or conditions of this agreement.
13. The parties each warrant and represent that they have read this Agreement and have been fully informed and have full knowledge of the terms, conditions, and effects of this Agreement, and they have either personally or through their attorneys, fully investigated to their full satisfaction the facts surrounding the various issues and matters sought to be addressed and resolved herein, and understand and are satisfied with the terms and effects of this Agreement, which are contractually binding. The parties agree that no promise or inducement had been offered or made except as herein set forth, and that this Agreement is executed of their own free act and deed without reliance on any statement or representation except as herein set forth.
14. Any interpretation or construction of the terms and conditions set forth in this agreement shall be governed by the laws of the State of South Dakota. Any lawsuit pertaining to or affecting this Agreement shall be venued in Circuit Court, Sixth Judicial Circuit, Hughes County, South Dakota.
15. Concessionaire hereby designates Jan Pitzl as its authorized representative for all purposes under this Agreement including but not limited to the authority to execute same on behalf of Concessionaire. GFP hereby authorizes Scott Simpson as its authorized representative for all purposes under this Agreement including but not limited to the authority to execute same on behalf of GFP. The parties warrant that they have taken or will take within a reasonable period of time, all action necessary in order to authorize and/or ratify the making and execution of this Agreement and will verify the same with authenticated copies of corporate and commission resolutions appropriate for the same.

16. Both parties agree that a copy of this executed Agreement will be made a part of the Prospectus.

**END OF AGREEMENT TEXT**

Dated this 31<sup>st</sup> day of October, 2019.

ROY LAKE RESORT, LLC

By: Jan Pitzl  
Jan Pitzl

THE STATE OF SOUTH DAKOTA,  
DEPARTMENT OF GAME, FISH AND PARKS

By: \_\_\_\_\_  
Scott Simpson, Director, Division of Parks and  
Recreation

EXHIBIT A  
SETTLEMENT AGREEMENT ROY LAKE RESORT  
"ASSET LIST"  
Page 1 of 9

Roy Lake Resort and Lodge

**Asset List "A"**

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**Broad breakdown of Value for Roy Lake Resort Including Purchase Price & Options**

Roy Lake Resort is a 14-Unit Multi-Service Resort- Lodging, Restaurant, Retail, Boat Rentals

**Tangible Assets (4 Main Categories)**

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Main Lodge "Building A" (including Condos 14 & 15, Manager Residence, Restaurant, Housekeeping, FF&E, tools and inventory) ~6200 SqFt

Condominium Building "Building C" (Includes 4 condos and 2 laundry rooms with common furnace/utility room, hallways, FF&E) ~4200 SqFt

Cabins 1-8 "Building B" (8 Individual/Stand-Alone buildings- 6 directly on the water, 2 park and lake-view, all FF&E)... ~3600 SqFt

Outdoor Assets- Floating Dock Systems, Vehicles, Boats & Motors (Including Lifts and Trailer(s))

**Intangible Assets**

(all intangible assets are included with sale and are shown to show worth)

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Website & Social Media Accounts + Ownership of www.roylakeresort.com domain including e-mail @roylakeresort.com domain

6,500 + person Customer list (including addresses and phone numbers)

1,000+ Customer Marketing E-mailing list

Digital Logo, Business Card designs and hundreds of documents, templates associated w/RI R- including digitized photos

Use of Roy Lake Resort/Roy Lake Lodge/Roy Lake Resort & Lodge name, reputation goodwill

Point of Sale Reports for last 10 years

EXHIBIT A  
SETTLEMENT AGREEMENT ROY LAKE RESORT  
"ASSET LIST"  
Page 2 of 9

Roy Lake Resort and Lodge

Page 1

**Asset List "B"**

**FF&E Breakdown of the four (4) Main Tangible Asset Categories- Main Lodge, Condos, Cabins, Vehicles and Boats**  
List of major items that are included with the sale and their respected value minus building value

**Main Lodge (Building A)**

Restaurant, Front Desk, Retail, Housekeeping Dept, Maintenance Dept., Condos 14 & 15, Manager Residence, Office

**Office**

**Item**

Computer Desk  
Document Shredder  
Computer Battery-Up  
Dell Multi-Function Laser Printer/Fax/Scanner/Copier  
3- 5 Drawer Vertical, Locking Filing Cabinets  
Bookcases  
2 Compartment Heavy Duty Digital Fire Safe w/Employee Drop  
19 inch Flat Screen TV  
Various Office Supplies (Stapplers, Copy Paper etc.)

**Office Total**

**Notes:**

*Office Computer will be exempt from sale and retained by current owner- All agreed upon files will be copied to a flash drive for buyer*

**Retail & Retail Inventory**

**Item**

Grocery Shelving Unit  
Dell Public All-In-One Windows 8.2 Computer and Printer  
Stand-up, Adjustable Computer Work Station  
Slat-Wall Display Prongs/Hooks  
RLR Promotional Items i.e. shirts, mugs, hats etc...  
RLR Promotional Item Display Case  
Angled Hanger Rack Display  
120 Gal Fresh Water Aquarium w/Roy Lake Pan Fish & all tools  
Glass/Stainless Steel Custom Sneeze Guard  
3 Size Disposable cup dispenser  
S/S Refrigerated Countertop Topping Merchandiser  
Food Warming Merchandiser  
Various Food/Display Racks  
Douwe Egbert Coffee Extract Machine  
Countertop Cabinets  
Custom Aquarium Stand  
50" Flat Screen Plasma TV & DVD player  
2 RLR Logo signs displayed on the side of building  
2 Highway RLR Logo Signs displayed on Hwy. 27 and Roy Lake Rd.  
Storage Room Shelving Units  
All Retail Inventory for sale  
Corner Shelving Unit  
New LED Track Lighting Systems & Ceiling Fans  
Self-Contained 80 gal Freshwater Bait Aquarium for Retail Bait

Roy Lake Resort Asset List "B"



# EXHIBIT A

## SETTLEMENT AGREEMENT ROY LAKE RESORT

### "ASSET LIST"

Page 3 of 9

Roy Lake Resort and Lodge

Page 2

Retail & Retail Inventory continued from previous page-

Vinyl Plank Floors  
Mini-Fridge for Retail Bait  
Taxidermy Proud Angler Fish- Yellow Perch, Bluegill,  
17lb Northern Pike, Largemouth Bass

Notes:

*Taxidermy Deer Buck Head is on a no-cost loan from Dana Nelson- Lake City, SD  
A&W Single door and double door cooler merchandisers are owned by American Bottling Co.- On Loan  
Good Humor Ice Cream Bar Freezer is owned by Cass-Clay Creamery- On Loan*

*Following items are exempt from sale and will be retained by current owner:*

*Vintage Coca-Cola Cooler  
Custom Metal Work- Walleye  
Some Personal Photos at owner's discretion, Custom Painted Saws*

#### Front Desk

**Item**  
Point-of-Sale Computer, Software & HP Printer  
Front Desk  
Baked Goods Merchandiser  
Key Tags for Unit Keys/Keys  
Brochures Inventory  
Misc. Supplies and Equipment  
2- Wet Stone Countertop Water Features  
2- Computer Battery Back-ups

Notes:

*POS Software is setup for CC Processing under current owner's Account, buyer will need to have their own account previously set up for seamless transaction at date of sale or determined date. Current Software is ComCash.*

#### Restaurant- Commercial Kitchen, Dining Room/Lounge, Outside Dining/Patio & Deck

<b>Dining Room</b>	<p><b>Item</b> 2- Couches w/matching pillows, Couch &amp; Love Seat Taxidermy Mounts- Bass &amp; Bluegill, 2- Walleye Mounts, Deer Butt Mount Unautographed TV Fishermen photos taken at RLR High Quality Synthetic Plants Geraniums Fireplace Bookshelf w/heat 55" Philips Flat Screen TV 2- 10 Gal Freshwater Aquariums w/small aquarium fish 5- 4 top Cherry Finished Tables (3 more in storage in Condo Utility Room) 20 matching chairs with black leather and cherry wood (12 more in storage) Washed stone/exposed stone concrete patio designed with footings in place Patio Furniture Wooden Deck</p>
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*Included w/patio*

Notes:

*Exempt from sale are the following personal items on loan and will be retained by owner:*

*Autographed photos and military photos/flags, aloe plants, jade plant, coyote & pheasant mount, crappie mount, 2- duck mounts, paintings & painted saws, 2 vintage lounge chairs, 2- cherry narrow corner cabinets*

Roy Lake Resort Asset List "B"

EXHIBIT A  
SETTLEMENT AGREEMENT ROY LAKE RESORT  
"ASSET LIST"  
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Roy Lake Resort and Lodge

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Restaurant- Commercial Kitchen, Dining Room/Lounge, Outside Dining/Patio & Deck

Commercial Kitchen	Item
	Commercial Range (48" Flat top/4 burner range/double oven) (LP)
	Vulcan 40 Gal Deep Fryer (LP)
	Countertop Charbroiler (LP)
	Broiler/Salamander (220V Infrared)
	Soft-Serve Ice Cream Machine
	2- Ice Cream Cone Dispenser
	2- Dry Topping Dispenser
	Microwave
	72" 3 door Beveragair Counter Cooler
	48" 2 door cold prep/salad/pizza prep Beveragair cooler
	Double Door Subzero S/S Reach-in Freezer
	Double Door Refrigerated Reach-in Cooler
	72" Deep Freeze Chest Freezer
	48" Deep Freeze Chest Freezer
	Single Door Upright Reach-in Freezer
	Residential Refer/Freezer
	S/S French Door Refer w/ bottom Double Drawer freezer
	Commercial Dry Storage Rack
	72" Double Overhead Shelf w/Vulcan Infrared Warmer
	1000-lb Scotsman Ice Maker/Bin
	18/0 Silverware and Servingware
	Plates, Misc. Holloware, platters, containers
	Baking and Cutlery
	12" Blade Power Meat Slicer
	Pots & Pans
	18" Deck Lincoln Impinger Conveyor Oven (LP)
	S/S Equipment Stand/Work Table
	S/S Shelving Units
	Hobart S/S Sanitizing Dish Washer (90 second wash)
	All Dry & Cold Storage Inventory <span style="float: right;">Revolving Value</span>
	Misc. Equipment (i.e. food processor, immersion blender etc...)
	Wine Glass Dishwashing racks
	Approx. 50 Red and White Long Stemmed Wine Glasses
	Employee Time Clock & Time Cards
	10ft Exhaust Hood w/Grease Traps and Exhaust Fan
	Commercial (Grease-Rated) Fire Suppression System

*Notes:*

*Exempt from sale are the following personal items on loan and will be retained by owner:  
Previously discounted from the above totals- Misc. Equipment, cooking wares, pots & pans.*

Continued on next page-

Roy Lake Resort Asset List "B"

# EXHIBIT A SETTLEMENT AGREEMENT ROY LAKE RESORT "ASSET LIST"

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## Roy Lake Resort and Lodge Housekeeping

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Item
2- Front Loading Washing Machines- Main Building
2- Front Loading Dryers- Main Building
Supplies & Inventory- All Buildings
Bedding for all units (Comforters, Blankets, Pillows, Sheets, Pads Etc.)
2- Top-Loading Washing Machines- Condo Building
2- Front-Loading Dryers- Condo Building
2- Extra-Deep Utility Sinks- Condo Building
Dyson Animal Complete 65 Vacuum
~4 Panasonic Commercial Vacuums
Storage Shelving Systems
Rug Doctor Carpet Cleaner/Shampooer

Notes:

## Maintenance/Grounds

Item
Tools (Hand tools and power tools, wrenches, sockets, saws etc.)
2- Briggs & Stratton Motor Mowers 21inch decks
Weed/Edge Trimmer
14- Heavy-Duty Commercial Picnic Tables
Touch Up Paints/Stain
Instant Hot Water Furnace (Electric) Heating Source
Main Lodge Hot Water Heater (LP)
1- Garbage Dumpster
4- Underground Septic Tanks & Lift Station
Briggs & Stratton Power Washer

Notes:

All power tools and hand tools marked with "Thames" or "Charles Thames" are personal property and are not included in the sale

## Manager's Residence

Item		
3 bedroom/1 bath residence with private walkout balcony and backyard.	Public and Private/Internal Server and Networks Battery Backup System for Networks Corner Cabinet and Network supplies	L-shaped Sectional Leather Couch with recliners and Chase lounge Corner Computer Desk Adjustable Twin Bed

Notes:

All property located in the Manager's Residence is exempt from sale with the exception of the items listed above.

## Condos 14 & 15

A total FF&E value will be assigned rather than a specific value for each individual item.

\*All units have DirecTV\* Satellite Programming with Boxes and Remotes\*

Item
Décor (All paintings/pictures/artwork)
2- 48" LED Flat Screen TVs
4- Mirrored Dressers

Roy Lake Resort Asset List "B"

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Roy Lake Resort and Lodge  
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Jacuzzi Jet Tub  
2- Walk-In Showers  
2- Microwaves  
4- Full Size Reach-In Refrigerators  
Plates, Cups, Pots, Pans & Utensils  
4 full-size Mattresses, frames, box springs  
2- twin-size mattresses, frames, box springs  
King-Size Headboard  
2- Black Leather Couches- Sofa and Love Seat  
2- Electric ranges w/ovens  
2-Cabinet Mounted Microwaves  
2- Single Vanities w/Sinks  
1- Large Double Vanity w/Sink  
Lighting Fixtures/HVAC  
3- Standard Comodes  
2- Private Walkout Balconies  
2- Coffee Tables  
2- Kitchen Tables and chairs  
4- twin-size Rollaway Beds  
2- Charcoal Grills  
Carpeting and Linoleum Floors  
2- Hot Water Heaters (Electric)

**Cabins 1-8 (Buildings B)**

Cabins 1,2,5,6- 2bd 1ba; Cabins 3,4- 1bd 1ba, Cabins 7- 2bd 1ba w/four seasons; Cabin 8- 1bd 1ba w/four seasons  
\*All units have DirecTV\* Satellite Programming with Boxes and Remotes\*

**Cabins 1, 2, 5, 6**

Item	
8- Full-size mattress, frames, box springs	
8- twin-size custom bunks, custom mattresses and covers	
New lighting fixtures	
New Floors in all units	
4 Sets- Full Kitchen Cabinets	
4- Microwave	
4 Sets- Kitchen tables and chairs	
4-LP/Electric Ignite 4 range and oven	
4- LP Furnaces; 4- Electric Hot Water Heaters	
Pots, Pans, Utensils & Appliances	
4- Charcoal Grills	
4- Full Size Reach-in Refrigerators	
4 Sets- Deck Furniture and Tables	
4- Custom Cherry Closet Systems	
4- A/C Units	
Décor- Paintings/Pictures/Lamps	
4- 24" Vizio 1080p HD Flat Screen TVs- Wall Mounted	
4 Sets- 3 Piece Bathroom	

Roy Lake Resort Asset List "B"

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Roy Lake Resort and Lodge  
Cabins 3, 4

Page 6

	Item
	2- Full-size mattress, frames, box springs
<i>*Cabins 3 &amp; 4 are 1</i>	2- twin-size custom bunks, custom mattresses and covers
<i>Bedroom 1 Bath units</i>	New lighting fixtures
<i>with built on decks.</i>	New Floors in all units
<i>All Include Fire Pits.</i>	2 Sets- Full Kitchen Cabinets
	2- Microwave
	2 Sets- Kitchen tables and chairs
	2-LP/Electric Ignite 4 range and oven
	2- LP Furnaces
	Pots, Pans, Utensils & Appliances
	2- Charcoal Grills
	2- Full Size Refrigerators
	2 Sets- Deck Furniture and Tables
	2- Electric Hot Water Heaters
	2- A/C Units
	2- Custom Cherry Closet Systems
	Décor- Paintings/Pictures/Lamps
	2- 24" Vizio 1080p HD Flat Screen TVs- Wall Mounted
	2 Sets- 3 Piece Bathroom

1

Cabin 7

	Item
	2- Full-size mattress, frames, box springs
<i>*Cabins 7 is a 2</i>	2- twin-size custom bunks, custom mattresses and covers
<i>bedroom 1 bath unit</i>	New lighting fixtures
<i>with a built on Four-</i>	New Floors in all units
<i>Seasons Porch.</i>	1 Sets- Full Kitchen Cabinets
<i>Includes Fire Pit.</i>	1- Microwave
	1 Sets- Kitchen tables and chairs
	1-LP/Electric Ignite 4 range and oven
	1- LP Furnaces
	Pots, Pans, Utensils & Appliances
	1- Charcoal Grills
	1- Full Size Refrigerators
	1 Set- Outside Furniture and Tables
	1- A/C Units
	Décor- Paintings/Pictures/Lamps
	1- 32" TV
	1- 3 Piece Bathroom

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Roy Lake Resort Asset List "B"



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Roy Lake Resort and Lodge  
**Cabin 8**

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	Item
	1- Full-size mattress, frames, box springs
<i>*Cabins 8 is a 1</i>	2- twin-size custom bunks, custom mattresses and covers
<i>bedroom 1 bath unit</i>	New lighting fixtures
<i>with a built on Four-</i>	New Floors in all units
<i>Seasons Porch.</i>	1 Sets- Full Kitchen Cabinets
<i>Includes Fire Pit.</i>	1- Microwave
	1 Sets- Kitchen tables and chairs
	1-LP/Electric Ignite 4 range and oven
	1- LP Furnaces
	Pots, Pans, Utensils & Appliances
	1- Charcoal Grills
	1- Full Size Refrigerators
	1 Set- Outside Furniture and Tables
	1- A/C Units
	Décor- Paintings/Pictures/Lamps
	1- 32" TV
	1- 3 Piece Bathroom

**Condominium Building (Building C)**

Condos 9,10,11,12- 2 bedroom, 1 bath Condos with 2 Laundry Rooms and Utility/Furnace Room with Storage

*\*All units have DirecTV® Satellite Programming with Boxes and Remotes\**

**Condos 9, 10, 11, 12**

	Item
	16- Full-size mattress, frames, box springs
<i>*Cabins 9, 10, 11, 12</i>	8- twin-size custom bunks, custom mattresses and covers
<i>are 2 Bedroom 1 Bath</i>	4 Sets- Full Kitchen Cabinets
<i>units (2 full-size beds</i>	4- Cabinet Mounted Microwave
<i>in ea. bedroom) with</i>	4 Sets- Kitchen tables and chairs
<i>walkout balconies</i>	4-LP/Electric Ignite 4 range and oven
<i>and terraces. All</i>	Baseboard Electric Heat w/individual Thermostats/Unit
<i>include Metal Ring</i>	Pots, Pans, Utensils & Appliances
<i>Fire Pits.</i>	4- Charcoal Grills
	4- Full Size Reach-In Refrigerators
	4 Sets- Deck Furniture and Tables
	4- Mitsubishi A/C Units
	Décor- Paintings/Pictures/Lamps
	4- 48" 1080p HD Flat Screen TVs- Wall Mounted
	4- Oak Bookcases
	4 Sets- 3 Piece Bathroom
	2- Large Electric Hot Water Heaters
	2- Housekeeping Top-Loading Washing Machines
	2- Housekeeping Top-Loading Dryers

Roy Lake Resort Asset List "B"

EXHIBIT A  
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Roy Lake Resort and Lodge

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**Dock Systems, Boats & Vehicles**

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**Outdoor Assets**

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Item	
EZ Dock Floating Dock Systems & Tools	
Shoremaster Floating Dock Systems & Tools	
Dock Parts and Replacement Parts	
Several Galvanized 4" Pilings and Augers	
3 6HP Mercury Outboard Motors	
4- 14' Aluminum Boat Hulls	
1- TMC 13-Person Capacity Pontoon Boat w/40HP Merc. BigFoot Motor	
1- Pontoon Boat Lift	
1- Tandem Axle Pontoon Trailer	
1- 17' Lund Pro Angler Fishing Boat w/90HP Merc. Motor	
1- Single Axel Fishing Boat Trailer	
2002 Dodge Ram Pickup Truck 1500 Quad Cab 4X4	
EZ-GO Golf Cart (Gas Powered)	
Gas Dock/500 Gallon Gas Tank with Pumps & Hoses for Boat Gas Sales	
Gas Inventory	<i>Revolving Value</i>

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Roy Lake Resort Asset List "B"

EXHIBIT B  
SETTLEMENT AGREEMENT ROY LAKE RESORT  
“INTANGIBLE LISTING”

The following is a list of intangible items relative to the operation of Roy Lake Resort which shall be transferred and provided to the successor concessionaire in accordance with Section 1.a.ii of the Settlement Agreement:

- All trademark, copyrights and other rights and title to the name “Roy Lake Resort”, “Roy Lake Lodge” and “Roy Lake Resort and Lodge”.
- All rights and ownership of the [www.roylakeresort.com](http://www.roylakeresort.com) website
- Exclusive transfer of all administration rights to all Roy Lake Resort online social media accounts
- 6,500+ personal customer list (includes physical addresses and phone numbers)
- 1,000+ customer email marketing list
- All digital logos, business card designs, document templates associated with Roy Lake Resort including digitized photos
- Point of sale reports for previous 10 years of business
- All phone numbers currently listed for Roy Lake Resort will remain with the Resort after lease transfer.
- Beer and wine sales license

Division of Parks and Recreation  
October 2019 Revenue by Item

	2018		2019		%
	Number	Dollar	Number	Dollar	
Annual	2,314	\$ 69,426	2,329	\$ 69,883	1%
2nd Annual	219	\$ 3,278	242	\$ 3,635	11%
Combo	1,710	\$ 76,945	1,866	\$ 83,975	9%
Transferable	57	\$ 3,705	73	\$ 4,745	28%
Daily License	3,626	\$ 21,758	4,210	\$ 25,258	16%
Unattended Vehicle Daily	90	\$ 900	88	\$ 880	-2%
GSM Annual Trail Pass	1,468	\$ 22,020	1,094	\$ 16,410	-25%
GSM Daily Trail Pass	2,579	\$ 10,316	4,978	\$ 19,912	93%
Motorcoach Permit		\$ 16,193	7,608	\$ 22,824	41%
CSP 7 Day Pass	8,416	\$ 168,318	8,872	\$ 177,433	5%
CSP 7 Day Bike Pass	109	\$ 1,094	125	\$ 1,251	14%
Rally Bike Band	-	\$ -			
One-Day Special Event		\$ 350		\$ -	
<b>PERMITS</b>	<b>20,588</b>	<b>\$ 394,303</b>	<b>31,485</b>	<b>\$ 426,207</b>	<b>8%</b>
Camping Services		\$ 168,424		\$ 177,986	6%
Picnic Reservations		\$ 330		\$ (50)	-115%
Firewood	1,743	\$ 8,713	1,581	\$ 7,903	-9%
Gift Card		\$ 390		\$ 400	3%
<b>LODGING</b>	<b>1,743</b>	<b>\$ 177,857</b>	<b>1,581</b>	<b>\$ 186,239</b>	<b>5%</b>
<b>TOTAL</b>	<b>22,331</b>	<b>\$ 572,160</b>	<b>33,066</b>	<b>\$ 612,445</b>	<b>7%</b>

Division of Parks and Recreation  
October YTD 2019 Revenue by Item

	2018		2019		%
	Number	Dollar	Number	Dollar	Change
Annual	55,152	\$ 1,654,545	49,834	\$ 1,495,027	-10%
2nd Annual	14,441	\$ 216,621	11,235	\$ 168,527	-22%
Combo	28,443	\$ 1,279,956	30,178	\$ 1,357,998	6%
Transferable	1,933	\$ 125,642	2,060	\$ 133,913	7%
Daily License	111,076	\$ 666,457	100,982	\$ 605,891	-9%
Unattended Vehicle Daily	2,024	\$ 20,244	1,955	\$ 19,548	-3%
GSM Annual Trail Pass	4,514	\$ 67,710	3,982	\$ 59,730	-12%
GSM Daily Trail Pass	14,829	\$ 59,316	12,446	\$ 49,784	-16%
Motorcoach Permit	26,892	\$ 80,677	22,312	\$ 66,936	-17%
CSP 7 Day Pass	166,893	\$ 3,337,852	168,993	\$ 3,379,856	1%
CSP 7 Day Bike Band	21,624	\$ 216,237	19,202	\$ 192,023	-11%
Rally Bike Band	31,224	\$ 312,240	29,364	\$ 293,640	-6%
One-Day Special Event		\$ 10,828		\$ 9,400	-13%
<b>PERMITS</b>	<b>479,046</b>	<b>\$ 8,048,325</b>	<b>452,543</b>	<b>\$ 7,832,273</b>	<b>-3%</b>
Camping Services		\$ 8,946,945		\$ 8,482,174	-5%
Picnic Reservations		\$ 14,422		\$ 12,093	-16%
Firewood	43,655	\$ 218,275	43,619	\$ 218,093	0%
Gift Card		\$ 11,537		\$ 8,018	-31%
<b>LODGING</b>	<b>43,655</b>	<b>\$ 9,191,179</b>	<b>43,619</b>	<b>\$ 8,720,378</b>	<b>-5%</b>
<b>TOTAL</b>	<b>522,701</b>	<b>\$ 17,239,504</b>	<b>496,162</b>	<b>\$ 16,552,651</b>	<b>-4%</b>



Division of Parks and Recreation  
October YTD 2019 Camping by District

LOCATION	2018	2019	%
Pickereel Lake	5,983	5,663	-5%
Fort Sisseton	1,389	1,230	-11%
Roy Lake	6,897	5,889	-15%
Sica Hollow	211	143	-32%
<b>DISTRICT 1</b>	<b>14,480</b>	<b>12,925</b>	<b>-11%</b>
Richmond Lake	1,653	1,610	-3%
Mina Lake	2,743	2,758	1%
Fisher Grove	1,109	1,117	1%
Amsden	251	148	-41%
Lake Louise	2,235	2,134	-5%
<b>DISTRICT 2</b>	<b>7,991</b>	<b>7,767</b>	<b>-3%</b>
Pelican Lake	5,298	5,395	2%
Sandy Shore	1,444	1,421	-2%
Lake Cochrane	1,949	1,948	0%
Hartford Beach	5,772	5,767	0%
<b>DISTRICT 3</b>	<b>14,463</b>	<b>14,531</b>	<b>0%</b>
Oakwood Lakes	9,210	8,523	-7%
Lake Poinsett	9,323	7,219	-23%
Lake Thompson	7,234	6,058	-16%
<b>DISTRICT 4</b>	<b>25,767</b>	<b>21,800</b>	<b>-15%</b>
Lake Herman	5,802	4,531	-22%
Walker's Point	3,063	2,838	-7%
Lake Carthage	849	644	-24%
<b>DISTRICT 5</b>	<b>9,714</b>	<b>8,013</b>	<b>-18%</b>
Snake Creek	9,118	8,269	-9%
Platte Creek	1,449	1,097	-24%
Buryanek	2,552	1,815	-29%
Burke Lake	51	5	-90%
<b>DISTRICT 6</b>	<b>13,170</b>	<b>11,186</b>	<b>-15%</b>
Palisades	4,619	4,747	3%
Big Sioux	6,255	5,427	-13%
Lake Vermillion	9,106	8,796	-3%
<b>DISTRICT 7</b>	<b>19,980</b>	<b>18,970</b>	<b>-5%</b>
Newton Hills	11,085	10,721	-3%
Good Earth	119	1	-99%
Union Grove	1,700	1,526	-10%
<b>DISTRICT 8</b>	<b>12,904</b>	<b>12,248</b>	<b>-5%</b>

LOCATION	2018	2019	%
Lewis & Clark	40,764	40,539	-1%
Chief White Crane	11,867	11,747	-1%
Pierson Ranch	4,841	4,564	-6%
Springfield	1,246	1,162	-7%
Sand Creek	146	129	-12%
Tabor	50	12	-76%
<b>DISTRICT 9</b>	<b>58,914</b>	<b>58,153</b>	<b>-1%</b>
North Point	9,741	5,488	-44%
North Wheeler	765	592	-23%
Pease Creek	1,355	1,407	4%
Randall Creek	7,258	15	-100%
South Shore	375	364	-3%
South Scalp	76	23	-70%
Whetstone	341	259	-24%
White Swan	236	145	-39%
<b>DISTRICT 10</b>	<b>20,147</b>	<b>8,293</b>	<b>-59%</b>
Farm Island	7,608	7,093	-7%
West Bend	9,130	8,511	-7%
<b>DISTRICT 11</b>	<b>16,738</b>	<b>15,604</b>	<b>-7%</b>
Oahe Downstream	12,884	12,566	-2%
Cow Creek	2,666	2,767	4%
Okobojo	1,411	1,323	-6%
<b>DISTRICT 12</b>	<b>16,961</b>	<b>16,656</b>	<b>-2%</b>
West Whitlock	4,079	4,383	7%
East Whitlock	103	43	-58%
Swan Creek	642	743	16%
Indian Creek	7,514	7,186	-4%
Lake Hiddenwood	10	-	-
Walth Bay	36	7	-81%
West Pollock	1,309	1,465	12%
<b>DISTRICT 13</b>	<b>13,693</b>	<b>13,827</b>	<b>1%</b>
Bear Butte	1,181	1,109	-6%
<b>DISTRICT 14</b>	<b>1,181</b>	<b>1,109</b>	<b>-6%</b>
Shadehill	5,955	5,493	-8%
Llewellyn Johns	559	436	-22%
Rocky Point	5,858	6,030	3%
<b>DISTRICT 15</b>	<b>12,372</b>	<b>11,959</b>	<b>-3%</b>
Custer	52,783	50,644	-4%
<b>DISTRICT 16</b>	<b>52,783</b>	<b>50,644</b>	<b>-4%</b>
Angostura	19,144	18,889	-1%
Sheps Canyon	1,894	1,818	-4%
<b>DISTRICT 17</b>	<b>21,038</b>	<b>20,707</b>	<b>-2%</b>
<b>TOTAL</b>	<b>332,296</b>	<b>304,392</b>	<b>-8%</b>

**Division of Parks and Recreation**  
**October YTD 2019 Visitation by District**

<b>LOCATION</b>	<b>2018</b>	<b>2019</b>	<b>%</b>
Pickarel Lake	42,782	44,225	3%
Fort Sisseton	54,011	43,057	-20%
Roy Lake	157,775	141,069	-11%
Sica Hollow	16,207	11,761	-27%
<b>DISTRICT 1</b>	<b>270,775</b>	<b>240,112</b>	<b>-11%</b>
Richmond Lake	28,719	33,602	17%
Mina Lake	36,725	36,157	-2%
Fisher Grove	26,741	23,320	-13%
Lake Louise	29,217	27,183	-7%
<b>DISTRICT 2</b>	<b>121,402</b>	<b>120,262</b>	<b>-1%</b>
Pelican Lake	44,698	48,514	9%
Sandy Shore	21,839	21,366	-2%
Lake Cochrane	17,770	17,286	-3%
Hartford Beach	102,852	111,453	8%
<b>DISTRICT 3</b>	<b>187,159</b>	<b>198,619</b>	<b>6%</b>
Oakwood Lakes	77,320	62,261	-19%
Lake Poinsett	66,352	58,454	-12%
Lake Thompson	43,425	37,030	-15%
<b>DISTRICT 4</b>	<b>187,097</b>	<b>157,745</b>	<b>-16%</b>
Lake Herman	87,461	76,932	-12%
Walker's Point	38,007	37,936	0%
<b>DISTRICT 5</b>	<b>125,468</b>	<b>114,868</b>	<b>-8%</b>
Snake Creek	131,407	112,893	-14%
Platte Creek	110,341	111,988	1%
Buryanek	22,608	18,650	-18%
Burke Lake	16,126	15,347	-5%
<b>DISTRICT 6</b>	<b>280,482</b>	<b>258,878</b>	<b>-8%</b>
Palisades	81,374	81,896	1%
Big Sioux	49,721	42,566	-14%
Beaver Creek	17,521	16,279	-7%
Lake Vermillion	95,021	91,748	-3%
<b>DISTRICT 7</b>	<b>243,637</b>	<b>232,489</b>	<b>-5%</b>
Newton Hills	116,373	115,844	0%
Good Earth	41,158	50,805	23%
Union Grove	13,117	14,845	13%
Lake Alvin	31,688	32,542	3%
Spirit Mound	22,588	21,412	-5%
Adams	23,751	20,690	-13%
<b>DISTRICT 8</b>	<b>248,675</b>	<b>256,138</b>	<b>3%</b>

<b>LOCATION</b>	<b>2018</b>	<b>2019</b>	<b>%</b>
Lewis & Clark	665,763	670,502	1%
Chief White Crane	51,101	47,614	-7%
Pierson Ranch	60,531	61,789	2%
Springfield	84,383	104,790	24%
<b>DISTRICT 9</b>	<b>861,778</b>	<b>884,695</b>	<b>3%</b>
North Point	96,642	70,093	-27%
North Wheeler	14,479	12,408	-14%
Pease Creek	34,436	35,397	3%
Randall Creek	42,456	25,547	-40%
Ft. Randall Boat Club	16,833	15,165	-10%
<b>DISTRICT 10</b>	<b>204,846</b>	<b>158,610</b>	<b>-23%</b>
Farm Island	142,263	128,482	-10%
West Bend	42,747	39,606	-7%
LaFramboise Island	61,319	60,013	-2%
<b>DISTRICT 11</b>	<b>246,329</b>	<b>228,101</b>	<b>-7%</b>
Oahe Downstream	297,444	274,747	-8%
Cow Creek	182,282	186,500	2%
Okobojo	44,026	41,874	-5%
Spring Creek	177,216	189,672	7%
<b>DISTRICT 12</b>	<b>700,968</b>	<b>692,793</b>	<b>-1%</b>
West Whitlock	40,607	42,890	6%
Swan Creek	19,086	25,805	35%
Indian Creek	64,652	61,188	-5%
Lake Hiddenwood	4,673	-	-
Revheim Bay	45,912	36,340	-21%
West Pollock	66,539	62,090	-7%
<b>DISTRICT 13</b>	<b>241,469</b>	<b>228,313</b>	<b>-5%</b>
Bear Butte	17,780	18,082	2%
<b>DISTRICT 14</b>	<b>17,780</b>	<b>18,082</b>	<b>2%</b>
Shadehill	37,381	37,429	0%
Llewellyn Johns	4,632	3,763	-19%
Little Moreau	12,866	16,763	30%
Rocky Point	73,667	74,135	1%
<b>DISTRICT 15</b>	<b>128,546</b>	<b>132,090</b>	<b>3%</b>
Custer	1,815,842	1,808,695	0%
<b>DISTRICT 16</b>	<b>1,815,842</b>	<b>1,808,695</b>	<b>0%</b>
Angostura	181,645	160,814	-11%
Sheps Canyon	40,889	35,090	-14%
<b>DISTRICT 17</b>	<b>222,534</b>	<b>195,904</b>	<b>-12%</b>
<b>TOTAL</b>	<b>6,104,787</b>	<b>5,926,394</b>	<b>-3%</b>