

**Minutes of the Game, Fish, and Parks Commission
January 28-29, 2021**

Chairman Gary Jensen called the meeting to order at 1:05 p.m. CT via conference call. Commissioners Travis Bies, Jon Locken, Russell Olson, Doug Sharp, Charles Spring, Robert Whitmyre. Public and staff were able to listen via SDPB livestream and participate via conference call with approximately 80 total participants via zoom.

DIVISION OF ADMINISTRATION

Election of Officers

Jon Kotilnek, senior staff attorney, opened the floor for nominations.

Motion by Bies with second by Sharp TO NOMINATE OLSON AS CHAIRMAN. Motion carried unanimously.

Motion by Olson with second by Locken TO NOMINATE SHARP AS VICE CHAIR. Motion carried unanimously.

Conflict of Interest Disclosure

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

Approval of Minutes

Olson called for any additions or corrections to the December 7, 2020 regular meeting minutes or a motion for approval.

Motion by Whitmyre with second by Bies TO APPROVE THE MINUTES OF THE DECEMBER 7, 2020 MEETING. Motion carried unanimously.

Additional Commissioner Salary Days

Olson called for additional salary days. Bies and Spring each requested a salary day for participation in the Mule Deer meeting. Motioned by Sharp, second by Whitmyre TO APPROVE THE ADDITIONAL SALARY DAY. Motion carried unanimously.

Legislative Update

Interim Secretary Kevin Robling provide a legislative update on bills introduced pertaining to GFP.

Budget

Interim Director Kevin Robling provided the Commission an overview of the FY 2022 Department budget presentation

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

Tom Kirschenmann, wildlife division director, presented the wildlife operations budget with breakdown into programs in the categories of wildlife management, habitat and access, fisheries, and public service. Kirschenmann also provided the breakdown of capital development projects including shooting ranges, aquatic habitat, hunter/angler access and facility maintenance and construction.

Scott Simpson, parks, and recreation director, presented the parks and recreation revenue estimates and explained the breakdown of fund sources being federal, general, bond payments, park revenue, dedicated taxes and license fees and miscellaneous. Simpson provided an overview of the capital development projects including new development, preventative maintenance, and water-based development.

Centralized E-Commerce System

The briefing included a review of the timeline and progress on RFP and contract development and the announcement of a final contract awarded to Brandt Information Services. Senior advisor Emily Kiel stated that a seven-year contract was signed January 27 with Brandt Information Services with an option for a three-year extension. The department's finance director, Chris Petersen, stated that GFP pays about \$1.4 million per year for the two. The contract is based on transactions, costing an estimated \$1.7 million per year. Additionally, information was shared on the solution features and next steps for development and data migration.

Pheasant Hunting Marketing Campaign 2020 Summary

Mike Gussiaas, marketing director for the Department of Tourism, provided the Commission with a year in review of the pheasant hunting marketing campaign from 2020. It was mentioned that the total ROI on trackable paid media efforts was \$3.15 with a total spend in the first year of \$661,808 – under budget of \$700,000. Total license sales trackable to paid media efforts was nearly 12,000 and total license revenue was just over \$643,000. Key performance indicators increased across the board: website traffic (55% increase), email subscribers (65% increase) and Facebook following (16% increase).

License Sales Update

Heather Villa, wildlife administration chief, said License sales were strong in 2020. The Commission book contains two license summaries: year-end summary for 2020 and year to date for 2021. The 2020 license year ended with a \$2.8 million increase in revenue over the 3-year average. \$2.5 million was collected for the newly enacted Habitat Stamp. For 2021, we are currently up roughly \$774,000 in revenue with about \$340,00 being in Habitat Stamp sales. We are hoping to continue with this momentum and see more people get outside. Governor Noem's message that "The Outdoors are Open" has been a key component of our license sales success.

R3 2020 Update

Taniya Bethke, wildlife education, provided an update on R3 efforts for 2020.

Law Enforcement Recruitment Campaign

Sam Schelhaas, law enforcement chief, presented information on a multi-agency recruitment effort within South Dakota State Government. The Out-of-State Law

Enforcement Recruitment Project was coordinated by the Bureau of Human Resources (BHR) and involved the South Dakota Game, Fish and Parks (GFP), the South Dakota Highway Patrol (HP) and the South Dakota Department of Corrections (DOC). The goal was to strengthen partnerships and recruit new officers on a national level. The GFP ended up with 122 total applications and is in the process of conducting interviews on approximately 40 individuals.

PETITIONS

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

Blaze Orange Requirements

Cody Warren submitted a petition to require a minimum square inch of fluorescent for big game hunting similar to what is done in neighboring states as he feels this is a safety issue.

Kirschenmann explained the Department's recommendation to deny and maintain current requirements due to the challenges associated with measuring and assuring a necessary minimum square inch of orange be met.

Motioned by Sharp second by Spring TO DENY THE PETITION. Motion carried unanimously.

Motion by Whitmyre, second by Sharp TO APPROVE RESOLUTION 21-01 (appendix A) denying the petition. Motion carried unanimously.

Preference Point System by Big Game Type

Kyle Sipma submitted a petition requesting to change the preference point system for deer and elk seasons.

Kirschenmann explained there was an establishment of a new system which has only been implemented for two years. This new system is scheduled to be reviewed with the Commission once we have three years of data with the current structure. Therefore, the Department recommend not revising the system until then.

Sharp thanked petitioner for taking time to submit his petition and noted in reality there are only a limited number of elk license available and its truly a lottery and adjusting will not change this.

Motioned by Sharp second by Locken TO DENY THE PETITION. Motion carried unanimously.

Motion by Locken, second by Bies TO APPROVE RESOLUTION 21-02 (appendix B) denying the petition. Motion carried unanimously.

OPEN FORUM

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

George Vandel, Pierre, SD thanked the Commission for extending the pheasant season.

Nancy Hilding, Black Hawk, SD said she doesn't like how the action sheets are written and recommends a change in the language for nonmeandered waters transportation change to remove most direct path as it may be near a home or in habitat. Hilding says prairie dog acreage should be done every 3 years as that was determined by a multi-state group. She recommends beginning the survey again this year.

PROPOSALS

Aerial Permit Adjustments (December)

Kanta presented the proposal to modify existing administrative rule to remove application requirements for submitting pilot certificate data and medical certificate data. He explained aerial hunting is a highly regulated activity in South Dakota and to obtain an aerial hunting permit, pilots must file an annual application with GFP. While applicants will still need to confirm they possess valid certifications, they will not be required to provide a copy of the pilot's certificate data (i.e. pilot's license) and medical certificate. This will help simplify the application process.

Big Game Ammo Minimum Size and Type

Kanta presented the Departments recommended change to proposal to allow for the use of monolithic copper fluted bullets to be used to take big game animals by adding "expanding bullet" which means any bullet designed by its manufacture to create a wound channel larger than its diameter.

Motioned by Sharp, second by Whitmyre TO APPROVE THE RECOMMENDED CHANGE TO PROPOSAL ALLOW THE USE OF MONOLITHIC COPPER FLUTED BULLETS TO BE USED TO TAKE BIG GAME ANIMALS. Motion carried unanimously.

Waterfowl Refuge

Chad Switzer, wildlife program manager, presented the recommended changes to waterfowl refuges to remove the private property currently within Antelope Lake Waterfowl Refuges in sections 19 and 29, township 116 north, range 57 west in Clark County. He explained there has been a recent change in ownership of private property. The new landowner of the private property within the current Antelope Lake State Waterfowl Refuge boundary in section 19 desires to be able to hunt his property, thus he has requested his property be removed from the refuge. Due to the request, Department staff visited with the other two landowners within the boundary in sections 29 and 30. The landowner in section 29 would also like to remove his property from the refuge. Landowner in section 30 would like private property to remain in refuge status. Therefore, the recommendation is for all of Section 30 to remain in refuge status and remove private property in sections 19 and 29 from refuge status at the request of the landowners.

Motioned by Bies, second by Locken TO APPROVE THE RECOMMENDED CHANGE TO REMOVE THE PROPERTY AT ANTELOPE LAKE FROM THE REFUGE. Motion carried unanimously.

Waterfowl Season Recommendations

Switzer presented the recommended change to Waubay State Game Refuge and Waubay Lake State Game Refuge to Waubay State Game Bird Refuge in the following Administrative Rule chapters: 41:06:22:02. Restricted areas -- Exceptions. The archery deer hunting season is restricted in the following areas with the applicable restrictions or exceptions noted: (4) Waubay Lake State Game Bird Refuge and Waubay National Wildlife Refuge in Day County are open September 1 through January 1, except during the refuge firearm deer seasons established in chapter 41:06:36; 41:06:36:01.02. Waubay deer hunting season established -- Number and type of licenses. The Waubay deer hunting season is open within the boundaries of the Waubay National Wildlife Refuge and the Waubay Lake State Game Bird Refuge from one-half hour before sunrise to one-half hour after sunset daily as provided in § 41:06:36:02.02. No more than 20 one-tag deer licenses may be issued to residents. 41:06:45:02.01. Closed areas. The general muzzleloader deer hunting season is closed and licenses are not valid in the following areas: (4) Waubay National Wildlife Refuge and Waubay State Game Bird Refuge in Day County.

Motioned by Whitmyre, second by Locken TO APPROVE THE RECOMMEND CHANGES TO WAUBAY STATE GAME BIRD REFUGE. Motion carried unanimously

Switzer presented the recommended change to the license validity date found in ARSD 41:06:02:01.04 from "Any license is valid from December 15 preceding the printed year on the license to January 31 following the printed year on the license, inclusive" to "Any license is valid from December 15 preceding the printed year on the license to January 31 following the printed year on the license, inclusive unless otherwise specified".

Motioned by Sharp, second by Spring TO APPROVE THE RECOMMENDED CHANGE TO VALID DATES OF THE STATE MIGRATORY BIRD CERTIFICATION PERMIT. Motion carried unanimously.

Switzer presented the recommended changes to the duck hunting season to as follows:

1. During the first 16 days of the season an additional two blue-winged teal may be harvested in addition to the daily bag limit for the Tier 1 Option only.
2. Include mergansers in the daily bag limit of ducks for the Tier 2 Option only.

Motioned by Locken, second by Bies TO APPROVE THE RECOMMENDED CHANGES TO THE DUCK HUNTING SEASON. Motion carried unanimously.

Switzer presented no recommended changes to the youth waterfowl hunting season.

Switzer presented the recommended change to the goose hunting season to Modify the open area to include that portion of Meade County south of South Dakota Highway 34 and the counties of Aurora, Beadle, Bon Homme, Brookings, Brown, Clark, Clay, Codington, Davison, Day, Deuel, Edmunds, Faulk, Hamlin, Hanson, Hutchinson, Grant, Jerauld, Kingsbury, Lake, Lincoln, Marshall, McCook, McPherson, Miner, Minnehaha, Moody, Roberts, Sanborn, Spink, Turner, Union and Yankton.

Motioned by Whitmyre, second by Bies TO APPROVE THE RECOMMENDED CHANGES TO MODIFY THE OPEN AREAS FOR GOOSE HUNTING AUGUST MANAGEMENT TAKE. Motion carried unanimously.

Switzer presented the recommended changes to the early fall Canada goose season to change the start date from the first Saturday of September to September 1st and increase the daily bag limit from 8 to 15.

Motion by Locken, second by Bies TO APPROVE THE RECOMMENDED CHANGES TO THE EARLY FALL CANADA GOOSE SEASON. Motion carried unanimously.

Switzer presented no recommended changes to the goose hunting season.

Switzer presented no recommended changes to the special Canada goose hunting season.

Switzer presented no recommended changes to the spring light goose conservation order.

Switzer presented no recommended changes to the tundra swan hunting season.

Switzer presented no recommended changes to the sandhill crane hunting season.

Switzer presented no recommended changes to the common snipe hunting season.

Mountain Goat Recommendations

Switzer and Kanta presented no recommended changes to the mountain goat hunting season.

Public Lands and Waters

Jeff VanMeeteren, parks and recreation regional supervisor, presented the recommended changes to North Point Area of Lake Francis Case:

- (1) In the North Point Area of Lake Francis Case in the waters of St. Francis Bay and Prairie Dog Bay starting at the center of the respective boat ramps and extending outward in a 150-yard radius are is a “no wake zone”
- (2) In the North Point Area of Lake Francis Case in the waters of St. Francis Bay and starting at the center of the respective boat ramp and extending outward in a 350-yard radius is a “no wake zone”

VanMeeteren explained that Due to a significant increase in beach use, recreational boating, and fishing; staff has seen an increased risk for accidents in this congested area making public safety a concern. The St. Francis beach is the North Point Rec. Area's largest and most popular swimming beach in the district. Due to the topography it is protected from high winds, making it a very popular area for swimmers and kayakers alike. From the swimming beach buoys to the opposite shoreline there is approx. 200 yards of distance. This is a narrow area for the multiple recreational boaters that are towing skiers and tubers just outside the swim area, along with fisherman who go back and forth from the boat ramp. North Point Rec. Area offers four public boat ramps with the St. Francis Bay ramp being the smallest of the four. The other three boat ramps all have larger parking lots and are in proximity, with St. Francis Bay offering 25 parking stalls, Prairie Dog - 201, North Point Bay - 60, and the Fort Randall Marina at 30. No Wake buoys would be placed across the bay at approx. 100 ft in distance between each other.

Motioned by Sharp, second by Locken TO APPROVE THE RECOMMENDED CHANGES TO EXTEND THE NORTH POINT AREA NO WAKE ZONE. Motion carried unanimously.

Nonmeandered Waters Navigation Lane Process

Kotilnek presented the recommend change to proposal that removes the language the following transportation lanes are established for transportation purposes. He also explained the reason for the proposal to create a new rule to establish procedure for the public to request a navigation lane through a closed nonmeandered body of water when no other alternative legal access is available. He explained that during a special legislative session in 2017, the Legislature passed the nonmeandered waters compromise. As part of the legislation, the Commission is obligated to promulgate rules to establish a process whereby a person may petition the commission to open a portion of waters or ice of a closed nonmeandered lake for the limited purposes of transportation to a portion of a nonmeandered lake that is open for recreational use.

Motioned by Sharp, second by Whitmyre TO APPROVE THE RECOMMENDED CHANGE TO THE PROPOSAL. Motion carried unanimously.

DIVISION OF PARKS AND RECREATION

CSP Bison Auction and 2021 Outlook

Matt Snyder, parks and recreation regional supervisor, provided an update on the Custer State Park Bison Auction and outlook for 2021.

Bison Center Update

Matt Snyder, parks and recreation regional supervisor, provided an update on the Custer State Park Bison Center.

Automated Entrance Kiosks

Al Nedved, Deputy Director provided the commission with an update on the self-serve kiosks that are going to be installed at the entrances to state parks. The department solicited bids and selected Flowbird as the vendor. 96 units were purchased with CARES act funding at the amount of \$4,748 per unit. These units will accept credit cards and be able to allow visitors to purchase daily or annual park entrance licenses. They will allow for better customer contact management at entrances and offices, and allow 24/7 service. Units operate on solar, battery or director power and need a cellular, wifi or phone line network connection. The units will greatly make accounting and mailing annual PEL's more efficient and reduce much of the work associated with iron ranges and the paper/cash system. Units are expected to operational by May.

Newton Hills Modern Cabin Completion

Jeff VanMeeteren, park and recreation regional supervisor, said the recently completed modern cabin at Newton Hills is a new opportunity in the state park system that will ideally draw in a whole new user group of visitors looking for facilities that offer more amenities. The cabin will sleep 8 and offers a full kitchen, an ADA bathroom and two bedrooms. The cabin will work great for a large family or two families that want more amenities than a basic camping cabin, but do not need all the space of the larger lodges. Since going on the reservation system on January 19th, 63 nights have been reserved and the park has seen a great response on social media advertising, showing the need and interest for this type of cabin. Initial construction cost was \$150K and the park is hoping for a 10-15 year payback.

Revenue, Camping and Visitation Report

Al Nedved, deputy director provided an update on revenue, camping and visitation stats. He also provided information on visitor origin based on park entrance license sales and camping reservations.

DIVISION OF WILDLIFE

Nest Predator Bounty program

Kevin Robling and Keith Fisk presented the recommendation to extend the nest predator bounty program for 2021 and 2022. Robling explained the primary goal of the program is to enhance nest success for pheasants and ducks at localized levels by removing primary nest predators, like raccoons, striped skunks, opossums, red fox and badgers from the landscape. It is designed to increase youth and family participation in understanding and experiencing the tradition of trapping while enhancing our strong outdoor heritage.

Whitmyre noted it would be nice to see the program begin in March as soon as skunks and racoons become active in the spring. He supports this program as it enhances habitat when 75 percent of next lost is due to predators.

Olson asked if there would be more trap giveaways

Fisk said not at this time noting the Department previously provided a million dollars worth of traps, but there are weekly youth trap giveaways for participation in the program.

Bies said he supports the program agrees with Whitmyre would rather see the extension on the front of the program and instead of the end.

Locken sees a lot of good in this program as hens nest in the same habitat that racoons utilize too. Has seen youth and veterans participating in the program.

Motioned by Whitmyre, second by Sharp TO AMEND THE PROGRAM DATES TO START MARCH 15 AND END JULY 1. Motion carried unanimously.

Motioned by Locken, second by Spring to approve as amended. Motion carried unanimously.

Rapid City Shooting Range

Kanta explained the goal is to develop a free public rifle, shotgun and handgun range in the Rapid City area. This opportunity will serve as a free public rifle, shotgun and handgun range within the Rapid City area open to the public, youth groups, shooting sports groups and others. The range will be utilized by GFP staff for outdoor education and hunter education. The range will also serve airmen and women from Ellsworth Air Force Base and public from the Box Elder, Sturgis and Piedmont areas.

Sharp inquired if we are offering sporting clay opportunities as having a few different stations this is nice to give them a chance to try different things.

Kanta said there is all kinds of interest in shooting clubs right now and need to find a way to provide different opportunities for each type of group.

Bies asked what community outreach has been done

Kanta explained staff intend to reach out to neighbors within the next week. Fortunately, there are very few private residents near the facility and there will be a buffer around the property as well as a fence.

Spring said he thought it would be \$1,400 per acre and sees its \$2,000 which is a little high.

Kanta explained that when originally approached it was priced at \$2,500. We are hoping this is appraised as a development property and not pasture.

Locken noted land prices have come back a lot likely driven by lower interest rates.

Motioned by Bies, second by Spring TO APPROVE RESOLUTION 21-03 IN WHICH GFP AGREES TO PURCHASE THE LAND FOR THE SHOOTING RANGE FROM THE PARKS AND WILDLIFE FOUNDATION. Motion carried unanimously.

Future of Habitat Update

Director Kirschenmann provided a briefing on the current on-going discussions within the Wildlife Division to determine how we can do more habitat projects, how to accomplish, and any changes needed to accomplish more habitat projects. Discussions are happening at the regional level and then ideas and approaches will be incorporated into a plan to move forward with conducting more habitat and access projects. Once a final plan is compiled, a briefing will be provided to the commission.

Land Evaluation and Assessment Plan

Paul Coughlin, wildlife program manager, presented a status update on the identification, evaluation, and disposal process for several Game Production Areas determined to no longer provide quality wildlife habitat or adequate public hunting opportunities. Seven GPAs in eastern South Dakota were identified through this process and are now being appraised to determine a value for public auction purposes per SDCL 41-2-29.1.

Urban Deer Management

John Kanta, wildlife terrestrial's chief, informed the Commission that GFP currently works with municipalities to address issues with deer within city limits. Typically, a kill permit is issued to help address these issues. GFP is currently working with municipalities to offer archery hunting opportunities within city limits. GFP intends to enhance and expand these opportunities with current and new municipalities.

Missouri River Fisheries Update

Mike Smith, fisheries senior biologist, stated fish management surveys were completed on Lakes Oahe and Sharpe in 2020, but angler creel surveys were not due to coronavirus prevention measures. Lake Oahe surveys suggest coldwater preyfish abundance is well above average and that Walleye abundance and condition are slightly above average. Similarly, surveys on Lake Sharpe suggest that walleye abundance and condition are both above the long-term average. Anecdotal evidence supports that angler use on Lakes Oahe and Sharpe was very strong which, based on previous experience, means that angler catch and harvest rates were likely higher than average.

Season Setting Date Selection

Director Kirschenmann provided a briefing on how seasons are established and how the schedule is determined. It was explained that season dates vary for seasons and start dates vary for numerous reasons. It was also explained that some dates are limited due to federal regulations such as waterfowl seasons. We will continue to place future season dates on the website for our users to plan ahead, with the acknowledgement that those dates are subject to change per commission action.

Adjourn

Meeting adjourned at 10:15 a.m.

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read 'Kevin Robling', with a stylized flourish at the end.

Kevin Robling, Interim Department Secretary

Appendix A
RESOLUTION 21-01

WHEREAS, Cody Warren of Rapid City, South Dakota, submitted a Petition to the Game, Fish and Parks Commission (Commission) dated December 12, 2020, requesting that the Game, Fish and Parks Commission create a new rule ARSD § 41:06:04:22 (New Rule – Minimum Square Inch Requirement) – to require a minimum of 400-600 square inches of fluorescent orange to be worn during big game hunting for the reasons more fully set out in the petition (hereinafter referred to as “the Petition”); and

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

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

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

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

WHEREAS, the Commission has reviewed and carefully considered the requirements and procedures set out in SDCL §1-26-13 and the contents of the Petition, including the reasons advanced by Petitioner in support of establishing a minimum square inch of orange to be worn during big game hunting; and

WHEREAS, the fluorescent orange is currently addressed in South Dakota Codified Law (SDCL 41-8-41). Per statute big game hunters, excluding turkey and mountain lion, must wear an exterior fluorescent orange hat, cap, shirt, jacket, vest, coverall, or poncho worn above the waist; and;

WHEREAS, the Department believes sufficient safety precautions already exist in state law regarding fluorescent orange requirements; and

WHEREAS, the determination of actual square inches of a fluorescent orange garment could be challenging for hunters to understand and could cause unknowing violations due to the complexity of the square inch requirement; and

WHEREAS, the enforcement of actual square inches of a garment could be challenging for Wildlife Conservation Officers to enforce due to the wide variety of shapes and garments available.

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, Cody Warren of Rapid City, South Dakota.

Appendix B
RESOLUTION 21-02

WHEREAS, Kyle Sipma of Sioux Falls, South Dakota, submitted a Petition to the Game, Fish and Parks Commission (Commission) dated January 16, 2021, requesting that the Game, Fish and Parks Commission amend ARSD § 41:06:01:10 (Prior application preference) – to modify the way preference points are applied 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 altering the preference point application; and

WHEREAS, there are preference point systems currently in place for all limited-draw licenses associated with various seasons; and

WHEREAS, there are numerous ways to allocate and utilize preference points, yet each way has its own pros and cons; and

WHEREAS, the deer drawing process was modified by the GFP Commission in 2019 and the Department will be evaluating this modification after the 2021 hunting seasons, and will present a summary regarding the effectiveness of these changes for hunters obtaining a license for their preferred deer hunting season.

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, Kyle Sipma of Sioux Falls, South Dakota.

Appendix C
RESOLUTION 21-03

Whereas, the South Dakota Game, Fish and Parks Department (GFP) desires to acquire 400 acres of real estate, for the purpose of a shooting range, legally described as:

W1/2 of Section 34, T.4N., R.8E. and N1/2 of NW1/4 of Section 3, T.3N., R.8E,
Pennington County, South Dakota; and

Whereas, the South Dakota Parks and Wildlife Foundation (Foundation) will accept the assignment of the Purchase Agreement from Jim Scull and purchase said property at the price of \$900,000 to facilitate GFP's desire to build a quality shooting range.

Whereas, GFP agrees to purchase the property from the Foundation for the original purchase price of \$900,000 and pay to the Foundation all associated costs incurred with the purchase and holding of said property, including real estate taxes, closing costs and estimated loss of income on investments liquidated to make said purchase.

Whereas, the Commission has reviewed any and all comments that may have been received relative to the intended purchase and after consideration of the same, the Commission approves of the same.

NOW, THEREFORE, BE IT RESOLVED, that GFP is authorized to commence a purchase agreement with the Foundation for the purchase of the above described real property in accordance with the above recitals and with a completion of the purchase on or before April 30, 2022.