



**Legislative  
Research  
Council**

# **MINUTES**

**Department of Game, Fish and Parks  
Agency Review Committee**

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**First Meeting  
2008 Interim  
Wednesday, June 11, 2008**

**LCR 1 & 2  
State Capitol Building  
Pierre, South Dakota**

The first meeting of the interim Department of Game, Fish and Parks Agency Review Committee was called to order by Senator Tom Hansen, Chair, at 9:00 a.m. (CT), on Wednesday, June 11, 2008, in Legislative Conference Rooms 1 and 2 of the State Capitol, in Pierre, South Dakota.

A quorum was determined with the following members answering the roll call: Senators Tom Hansen (Chair) and Nancy Turbak Berry; and Representatives Thomas Brunner (Vice Chair), Mark DeVries, Gordon Howie, Kent Juhnke, Betty Olson, and David Sigdestad. Senators Ryan Maher and Ed Olson and Representatives Dale Hargens, Eldon Nygaard, and Kim Vanneman were excused.

Staff members present included Reuben Bezpaletz, Chief Analyst for Research and Legal Services; Tom Magedanz, Principal Research Analyst; Aaron Olson, Senior Fiscal Analyst; Teri Retrum, Administrative Assistant; and Kris Schneider, Senior Legislative Secretary.

All material distributed at the meeting is attached to the original minutes on file in the Legislative Research Council (LRC). For the purpose of continuity, these minutes are not necessarily in chronological order.

### **Remarks from the Chair and Vice Chair**

**Chair Tom Hansen** welcomed officials from the Department of Game, Fish and Parks (GFP). Chair Hansen remarked that the agency review of GFP is an opportunity for more in-depth dialogue between the department and the Legislature. He said that the purpose of the first meeting is to receive information from GFP concerning its operations; the second meeting will involve public testimony and continued information from the department.

**Vice Chair Thomas Brunner** reiterated Chair Hansen's welcome and commented that the review of GFP provides a timely opportunity for the Legislature to learn more about the workings of the department due to some of the current issues.

### **Historical Perspective of the Sunset Process**

**Mr. Reuben Bezpaletz** gave a historical perspective of the legislative sunset process and discussed a typical study plan for Interim sunset committees (**Document 1**).

## Department Presentation

**Mr. Jeff Vonk**, Secretary of the Department of Game, Fish and Parks, introduced Game, Fish and Parks Commissioners **Mr. Spencer Hawley**, Brookings, Chair, and **Mr. Tim Kessler**, Aberdeen. Staff members **Mr. Chris Petersen**, Director, Division of Administration; **Mr. Doug Hofer**, Director, Division of Parks and Recreation; **Mr. Tony Leif**, Director, Division of Wildlife; **Mr. Richard Neill**, Staff Counsel; and **Brooke Smith**, Information Officer, were also introduced.

Secretary Vonk began the department's PowerPoint presentation by stating that one of the goals of GFP is to make every effort to minimize conflict while trying to meet the goals and objectives of the mission of the department, which is:

*To perpetuate, conserve, manage, protect, and enhance South Dakota's wildlife resources, parks, and outdoor recreational opportunities for the use, benefit, and enjoyment of the people of this state and its visitors; and, to give the highest priority to the welfare of this state's wildlife and parks, and their environment, in planning and decisions.*

Secretary Vonk gave a brief overview of the department's structure. He noted that the Game, Fish and Parks Commission is the policy review group for the department. The commission's role is to give outside citizens input on how the department carries out GFP's mission statement. The commission, established in SDCL 41-2-1, has the authority to promulgate administrative rules, set all license and park fees not otherwise established in statute, hear and determine contested cases, and exercise special budgetary functions for the Division of Wildlife and the Snowmobile Trails Program.

The South Dakota Parks and Wildlife Foundation was established in 1985 as a non-profit corporation to accept gifts and grants for GFP projects. Secretary Vonk noted that the Foundation is governed by an independent Board of Directors. He and a member of the commission are ex officio board members.

Secretary Vonk stated that a small amount of GFP's total budget is General Funds. Federal Funds, i.e. excise tax, and Other Funds, i.e. licensing fees, camping fees, and other income generating sources, make up the majority of the department's budget. He explained that there was an increase in FTE's due to the Title VI land transfer in FY 2001. Overall, the department has a small administrative staff, and about a 60/40 split between wildlife and parks staff.

In response to a question if there is a sufficient number of conservation officers, Secretary Vonk stated that there has been a small increase over the past fifteen years. Currently there are approximately 70 conservation officers. The current challenge that the department is starting to see is a high turnover due to retirements. They are continually recruiting and training staff.

### **Division of Administration**

**Mr. Chris Petersen**, Director, outlined the programs for the division. Their primary function is to provide support services for the operation functions of the other two divisions of the department. The Division of Administration deals with the budgetary functions, property management, purchasing of supplies and equipment, bid lettings, expenses of the commission and legal counsel, and also includes the Office of Engineering, Office of Licensing, and interactions with the Parks & Wildlife Foundation. The division's mission is *to provide administrative and technical support to the department's line divisions to enable them to provide the optimum in consumptive recreation, resource management, and informed use and enjoyment of the state's natural resources.*

Mr. Petersen noted that the division had an increase in General Funds due to bond payments for the construction of the Outdoor Campus in 1996 and for renovations to the fish hatcheries in 2007. The division has 26 FTE.

The Engineering Office provides engineering/construction management services to the department in three areas: 1) earthen dams and spillways, 2) buildings and utilities, and 3) roads and parking lots. They provide construction technical assistance and advice for field staff, and manage the construction process for all construction, remodeling, maintenance and repair for the department.

The Licensing Office is responsible for the distribution, sale and revenue collection of hunting and fishing licenses. The two systems used are the Big Game Application and Drawing System for the limited issue licenses and the GFP's Automated Licensing System for the "over-the-counter" sales of general hunting and fishing licenses.

In response to a question on the utilization of the on-line application system, Mr. Petersen stated that in the first year, 2005, 69% of the applications were submitted on-line. In 2007, it had increased to 80.5%.

In response to a question if the Interstate Wildlife Violator Compact has been successful, Mr. Petersen stated that it has allowed GFP to do cross checks in real time for revocations and for individuals that have neglected to make their child support payments. Mr. Petersen stated that he could provide the committee with actual numbers on how many have been noted and investigated.

In response to a question regarding the level of hunting and fishing fees being charged, **Commissioner Hawley** responded that the fees were reviewed three years ago. The commission does offer discounts to senior citizens and young sportsmen.

In response to a question about the licensing process and government versus private merchants selling licenses, Mr. Petersen stated that a service fee was set in statute that allows agents to cover their expenses. To level the playing field, the same service fee is charged to individuals purchasing licenses directly online. He also explained the three-year phase in to help deter costs of implementing the new system and the changes in the call center location.

Mr. Petersen stated that the division receives about \$70,000 annually for the sale of license lists. They receive approximately 50 requests per year with the pheasant season being the most popular. The fee is \$100 for every 1,000 names.

### **Division of Parks and Recreation**

**Mr. Doug Hofer**, Director, outlined the programs for the division. Handouts distributed to the committee included: the 2008 South Dakota Park Times; the Tatanka, the 2008 guide to Custer State Park; the South Dakota Snowmobile Trails Map, 2007-08 edition; and the South Dakota State Park Facts – 2008 (**Documents 2, 3, 4, and 5**). The division's mission statement is *providing diverse outdoor recreation opportunities, acting as a catalyst for a growing tourism economy and preserving the resources with which we are entrusted.*

Mr. Hofer highlighted significant dates in the establishment of the State Park System. He noted that in 1919 the State Park System was established when Custer State Forest was designated Custer State Park; in 1945, the statewide park system was established; in 1961, Bear Butte was the first and only state park purchased with General Funds; in 1989 individual campground reservations was started; in 2002, the Corps of Engineers transferred approximately 60 sites totaling over 12,000 acres of land along the Missouri River to the State (Title 6 Land Transfer); in 2004, the Divisions of Custer State Park and Parks and Recreation merged; and in 2007, the Legislature approved a \$12 million bond issue to improve and expand the four resorts at Custer State Park.

Overall the State Park System includes: 12 state parks, 42 recreation areas, 6 nature areas, 1 historic prairie, and 69 lakeside use areas. They also manage 1,565 miles of snowmobile trails, lease 10 marina/resort operations, manage 114 miles of the George S. Mickelson Trail, and maintain 220 public water access areas.

The State Parks are organized into six regions with sixteen park districts and shops and seventeen park managers and shops. The State Parks System is comprised of 101,803 acres (Custer State Park - 70,781 acres, Statewide Parks – 24,262 acres, and leased land from Corps of Engineers and Bureau of Reclamation – 6,760 acres).

Mr. Hofer reported visitation numbers in 2007 for the regions were: Lewis & Clark – 1,622,502 (busiest with 600 campsites); Heartland – 1,246,772 (most populated part of the state); Glacial Lake – 1,246,883 (oldest parks in the state); Lake Oahe/Sharpe – 1,028,050 (fluctuates based on fishing reports); Northern Hills – 221,786 (not a true number as there are not automatic counters in some areas of this region); and the Southern Hills – 2,066,071 (includes Custer State Park).

In 2007, 60% of the visitors at Lewis & Clark Recreation Area were South Dakota residents, 80% of the visitors at all of the other State Parks were residents, with the exception of Custer State Park where only 22% of the visitors were residents. Statewide visitation in 2007 for all State Parks was 57% resident and 43% nonresident.

The FY09 Budget for the three programs within the division is as follows:

Maintenance and Operation Program - \$16,389,983

General Funds - \$3,090,951 (19%)  
Federal Funds - \$1,817,686 (11%)  
Other Funds:  
    Park License & Camping - \$8,500,281 (52%)  
    Boat License - \$760,000 (5%)  
    Misc. Other Funds - \$866,500 (5%)  
    Motor Boat Fuel Fund - \$500,000 (3%)

Development and Improvement Program - \$7,422,621

General Funds - \$202,175 (3%)  
Federal Funds - \$4,800,121 (65%)  
Other Funds:  
    Misc. Other Funds - \$1,366,375 (15%)  
    Motor Boat Fuel Fund - \$1,053,950 (14%)

Snowmobile Trails Program - \$1,394,000

General Funds - \$0  
Federal Funds - \$0  
Other Funds:  
    Snowmobile Licenses - \$800,000 (58%)  
    Snowmobile Gas Tax - \$340,000 (24%)  
    Snowmobile Initial Registration - \$200,000 (14%)  
    Misc. - \$54,000 (4%)

The division has 250 FTEs. Mr. Hofer noted that about 100 FTEs are seasonal employees that do not receive benefits.

The division maintains over 1,500 buildings and structures, 3,883 campsites, and 320 miles of park roads. The public support buildings include 118 comfort stations, 429 vault toilets, and 122 picnic shelters. The operation support buildings include 37 shops, 7 offices, 35 entrance stations, 26 manager residences, and 85 cold storage buildings. There are 10 lodges, 165 camping cabins, and 106 modern cabins. Boating and fishing structures include 291 boat ramps, 28 fish cleaning stations, and 26 fishing docks. There are 17 visitor centers. In the parks there are 236 miles of paved roads, 148 miles of gravel roads, and 21 vehicle bridges. Of the 3,883 campsites all but 400 have electricity.

The committee recessed at 11:27 a.m. for a tour of the GFP's office and for lunch. The committee reconvened at 1:00 p.m.

Mr. Hofer briefly commented on the following challenges and opportunities within the division:

1. "Point of Sale" System - will merge the reservation system with the fee collection service at the gates. Implementation - November, 2008.

2. Lake Oahe Boat Ramps – constantly changing water levels. GFP has expended over \$4 million since 2003 to extend and construct boat ramps. Had this not been done, today there would be no usable boat ramps on Lake Oahe.
3. Lake Thompson Boat Ramp – may need to construct a low water boat ramp.
4. Lake Poinsett – water levels - conditions are improving.
5. Bear Butte State Park – acquiring easements – looking for funds.
6. Mountain Pine Bark Beetle Threat – primarily in Custer State Park. (U.S. Forest Service is forecasting extreme MPB population growth and tree mortality in the Black Elk Wilderness Area.)
7. Parks with Concessions – 10 different leases – generates Annual Gross Revenue of \$11,980,000. Mr. Hofer spoke of the bond issue and improvements being made to the Custer State Park Resort and Spring Creek Marina on Lake Oahe.
8. No Child Left Indoors – changes in society and how children are affected.
9. Promo Fund – Lewis and Clark and Custer State Park – 3% promotion fee on all sales subject to the concessions. Annually, \$300,000 is collected to use for marketing those parks.

Representative Howie expressed concern with the infestation of prairie dogs in Custer State Park. Secretary Vonk stated that there is a large population of prairie dogs between Wind Cave and Custer State Park and the department is working on a management plan to try to get them under control.

### **Division of Wildlife**

As an introduction to the Division of Wildlife, "The Story of the North American Model for Wildlife Conservation OPPORTUNITY FOR ALL" dvd was played (**Document 6**). This model is GFP's approach to wildlife management. The model consists of seven principles:

1. Wildlife is held in the public trust.
2. Eliminating commerce in dead wildlife.
3. Allocating wildlife through law.
4. Hunting opportunity for all.
5. Wildlife can only be killed for legitimate reasons.
6. Wildlife is an international resource.
7. Science is the basis of wildlife policy.

Secretary Vonk commented about the challenges that GFP has with balancing the public trust and landowner rights, while still maintaining public access.

**Mr. Tony Leif**, Director, outlined the programs for the division. Handouts distributed to the committee included: Division of Wildlife Budget Summary; 2007 Hunting and Trapping Handbook; 2008 Fishing Handbook; Issue 9 of Landowners Matter; 2007 Hunting Atlas; Wildlife on Private Lands Status Report 2007, Supplemental Report (HD-11a-07.AMS); and Landowner's Guide (**Documents 7, 8, 9, 10, 11, 12, and 13**). The division's mission statement is: *manage South Dakota's wildlife and fisheries resources and their associated habitats for their sustained and equitable use, and for the benefit, welfare and enjoyment of the citizens of this state and its visitors.*

The division's budget for FY 2009 was approximately \$35 million dollars. The division's two primary sources of revenue is hunting and fishing license sales and federal excise tax on sporting goods (Pittman-Roberson and Dingell-Johnson funds). The division has not received any General Funds since 1993.

The division has approximately 290 FTEs and 52 offices statewide. The state is divided into four regions: Northeast, Southeast, Central, and Western.

Mr. Leif highlighted some significant dates – Fish wardens were appointed in 1903; in 1909 the Game and Fish Department was created; the first pheasant season was in 1919; in 1936 the first issue of the Conservation Digest magazine was printed; in 1945 the Park Board and the Game and Fish Department merged; HuntSafe certification was required for new hunters in 1955; Turn In Poachers (TIPS) program was started in 1984; first youth deer season in 1990; and in 2005, the first mountain lion season.

The Wildlife Division consists of eight programs: Wildlife Management, Habitat Management, Wildlife Damage Management, Environmental Services, Fish Management, Conservation Law Enforcement, Information Services, and Educational Services.

#### Wildlife Management

The Wildlife Management Program is responsible for population and harvest surveys, research, and season recommendations. It was noted that 75% of the research is completed through South Dakota State University – Wildlife and Fisheries Sciences. When setting rules and seasons, the commission relies on the landowner input, sportsmen input, and survey information.

In response to a question regarding mountain lions living outside the Black Hills, Mr. Leif stated that any mountain lion located outside of the Black Hills was a "migrating". There are mountain lions throughout the state, but the only documented breeding population is in the Black Hills.

In response to a question regarding integrating tribal land into mountain lion management programs, Secretary Vonk stated that the commission has not received a formal request from the tribes about this.

In response to a question about the upcoming mountain lion season, Mr. Leif stated that the commission made two adjustments, the season will begin January 1<sup>st</sup> and landowners will be able to mitigate stock depredation on their property year round.

In response to a question regarding the department's philosophy on increasing hunting opportunities and concern of the decline in the number of hunters, Secretary Vonk stated that the commercialization of wildlife would mean fewer opportunities to people with limited incomes.

#### Habitat Management

The Habitat Management Program works with the development, management, and acquisition of public lands. In 2007, GFP spent over \$1.5 million improving and maintaining existing Game

Production Areas. Over \$750,000 was spent controlling over 15,000 acres of weeds. The division currently owns 291,000 acres, or .6% of South Dakota. Over the last 10 years, the division has purchased an average of 2,232 acres per year. It was noted that the division does pay full property taxes on this land. The private lands habitat management consists of the Wildlife Partner Program and the Wetlands/Grasslands Program. In 2006 and 2007, the division completed 139 wetland or grassland management projects with private landowners affecting 8,174 acres across the state. The division paid landowners direct cost share payments totaling \$512,318. Outreach programs included 15 habitat improvement workshops statewide for nearly 400 private landowners.

The Access Program includes Walk-In Areas, Waterfowl Access Areas, Habitat and Access Leasing, Controlled Hunting Access Program (CHAPS), and Elk Access. In 2007, Walk-In Area payments to cooperating landowners totaled \$2,038,618.63. Based on the 2005 survey, an investment of about \$1.8 million in payments produced an estimated 160 thousand days of hunting and \$11 million in additional hunting related expenses to South Dakota. In 2007, 33,819 acres were leased near Lake Oahe to provide waterfowl access to nearly 3,500 hunters at a cost of \$193,010. The division currently has habitat and access leases with 4 cooperators on over 30,000 acres for hunting rights and improving habitat. The CHAPS program is new in 2008. It allows the landowner to better control who is hunting on their land. The landowner is paid by the number of hunter use days. Currently there is 11,616 acres enrolled in 4 counties (3 in Custer, 1 in Harding, 1 in Turner and 1 in Minnehaha). The Elk Access Program is 18,000 acres in Custer and Fall River Counties. Since 2003, approximately 370 elk have been harvested and has had approximately 3,500 hunter use days.

#### Wildlife Damage Management

The Wildlife Damage Management consists of game animal damage management and predatory/nuisance animal management. The program is funded by a \$5 surcharge on all hunting licenses sold. In 2007, the Game Animal Damage Management program spent over \$1 million in assisting landowners with planting buffer strips, food plots, stockyard fencing, elk cable, and electric fence. The Predatory/Nuisance Animal Management program consists of 19 trappers statewide. In FY 2006, 7,707 coyotes and 2,129 beavers were removed. From 2004 – 2007, the division has spent \$748,880 on prairie dog control.

In response to a question on how much revenue is generated from the \$5 surcharge, Mr. Leif stated he would obtain the information for the committee.

#### Environmental Services

The Environmental Services Program deals with wildlife diversity and wildlife advocacy in the areas of live birds of prey programs, endangered/threatened species, aquatic nuisances, interagency coordination, and project review.

#### Fish Management

The Fish Management program consists of population and harvest surveys, fish production and stocking, research, and habitat improvements and access. On average, fisheries staff stock cold water fish in 50 waters, and warm/cool water fish in 130 waters. The three state fish hatcheries are located at Blue Dog Lake, Rapid City, and Spearfish. Over the past twenty years, the division has spent an average of \$1.4 million on watershed habitat and access.

### Conservation Law Enforcement

The Conservation Law Enforcement Program consists of education/outreach and compliance efforts. They conduct more than 200 HuntSafe classes annually, present nearly 400 programs yearly to civic and school groups, do media spots, and deal with more than 800 requests for assistance from landowners. The four guiding principles that conservation officers use are natural resource protection, ethics and fair-chase, equitable resource distribution, and public safety. In 2005, an 8-point CO Communication Enhancement Plan was developed in which field training focuses on building community partnerships to solve problems. South Dakota is the first state wildlife agency to use such a model.

### Information Services

The Information Services Program is responsible for answering public questions, news releases, developing information pamphlets and programs, and the Conservation Digest publication. The phone bank employees answered over 38,000 phone bank questions in 2007. The Landowners Matter newsletter is mailed out to 17,500 South Dakota landowners.

### Education Services

The Education Services Program consists of Project WILD, the Outdoor Campus, and hunter and boating safety. Project WILD brings outdoor learning into the classroom. In 2007, over 100,000 people visited the Outdoor Campus and 35,000 participated in outdoor learning activities.

Mr. Leif stated that in 2006, 135,000 residents and nonresidents fished and 171,000 residents and nonresidents hunted in South Dakota. Hunting and fishing brought in over \$350 million to South Dakota's economy. The key to future successes will be habitat, hands on education, landowner relations, and research.

## **GFP Commission**

**Commissioner Spencer Hawley**, Chair, stated that the role of the commission is to represent the sportsman/hunter, landowners, and the resources to ensure that 100 years from now they are still here. By statute, the eight member commission's membership is required to be 4 landowners and 4 nonlandowners; 4 Republicans and 4 Democrats; 5 East River residents and 3 West River residents. Both Commissioner Hawley and **Commissioner Tim Kessler** stated that the system works well. The commission has the ability to react to issues and worry about the details whereas the Legislature deals with the big picture by setting the rules in statute.

## **Committee Discussion/Topics for Future Meetings**

**Representative Sigdestad** asked if it was possible to have more licenses available to hunt Canadian geese. Mr. Leif stated that the number of nonresident licenses is regulated by statute. Because Canadian geese are in a lot of areas, the demand is less than those available. The biological perspective says we can support more hunting; however the waterfowl hunters do not want it to be commercialized.

**Representative Brunner** suggested discussing property acquisition like the Bear Butte issue and easements. He would like to know more about the general property acquisition for the entire department, both for hunting and parks. Over the past few years there has been some legislation introduced that would require legislative approval if acquiring more than 40 acres. He questions if the state should own more property.

**Representative Brunner moved, seconded by Representative Howie, that GFP property acquisitions and acquisition policies be discussed. Motion prevailed on a voice vote.**

**Representative Betty Olson moved, seconded by Representative Brunner, that trespass and open fields doctrines be discussed. Motion prevailed on a voice vote.**

**Representative Betty Olson moved, seconded by Representative Sigdestad, that staff provide an overview of how the trespass law has evolved. Motion prevailed on a voice vote.**

**Representative Juhnke moved, seconded by Representative Brunner, that the last twelve months of GFP administrative rule changes be reviewed. Motion prevailed on a voice vote.**

**Representative Howie moved, seconded by Representative Betty Olson, that a discussion be held regarding public access and landowner incentives. Motion prevailed on a voice vote.**

Mr. Bezpaletz stated that staff and the department are reviewing the department's statutes for style and form.

### **Next Meeting Date**

Chair Hansen set the next meeting for Monday and Tuesday, August 11 and 12, 2008, in Pierre.

### **Adjournment**

**Representative Brunner moved, seconded by Representative DeVries, that the meeting adjourn. Motion prevailed on a voice vote.**

The meeting adjourned at 4:28 p.m.



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