

**NOTICE OF PUBLIC HEARING  
DEPARTMENT OF GAME, FISH AND PARKS**

A Public Hearing will be held at the Outdoor Campus West, Adventure Trail, Rapid City, South Dakota 57702 at 2:00pm (Mountain Time) on September 1, 2021. Individuals wishing to participate may attend in person or by teleconference. Teleconference information can be found at <https://gfp.sd.gov/commission/information/>. The public hearing is to consider adoption, amendment and repeal of Rules pertaining to:

1. ARSD 41:06:13:02. Open units -- Exceptions. (Spring Turkey)

Effect: The proposed change would close one the hunting units for spring turkey season.

Reason: The proposed closure supports the guidance from the wild turkey action plan. Reduced hunter success for the past two season indicates that a restrictive management strategy be implemented.

2. ARSD 41:06:61:02. Black Hills Fire Protection District -- Harvest limit -- Season dates -- Season closure. (Mountain Lion)

Effect: The proposed change would clean up an administrative oversight with listing the wrong date. The date should be changed from March 31 to April 30.

Reason: The incorrect date is listed in rule and this amendment would correct the rule to meet the original intent and application of the rule.

3. ARSD 41:06:61:06 Application requirements -- License and season restrictions -- Special conditions -- Carcass check-in procedures. (Mountain Lion)

Effect: The proposed change would allow the pursuit of mountain lions by dogs outside of the Black Hills Fire Protection District that originates on private land to cross over or culminate on private land with permission from the landowner or lessee or public land as long as it's not expressly prohibited by the managing entity.

Reason: The rule change was brought by a member of the public as a petition. The rule change would expand the amount of public lands that the hunt could cross over into.

4. ARSD 41:07:08. Hoop nets and setlines.

Effect: The proposed change would add the word “traps” and “floatlines” to this chapter.

Reason: Adding the word “traps” and “floatlines” to the chapter is consistent with the rules and terminology used throughout the chapter.

5. ARSD 41:07:01:01. Definition of terms. (Fishing)

Effect: The proposed change would create a definition for a fishing “floatline” and “blowgun.”

Reason: Over the years anglers have requested the ability to use “floatlines” as a legal method of take for fishing. Adding it to the definition section of terms is part of the overall process to allow for the use of “floatlines.” Furthermore, anglers have requested the ability to use “blowguns.” Adding the term “blowguns” to the definition section is part of the overall process to allow for the use of “blowguns.”

6. 41:07:01:08. Maximum number of hooks and lines allowed.

Effect: The proposed change would add blowguns in the description of what constitutes a line.

Reason: The proposed change is part of the overall process to allow for “blowguns” to be used as a method take.

7. ARSD 41:07:03:02.02. South Dakota-Iowa boundary waters. (Fishing)

Effect: The proposed change would allow 10 channel catfish and 5 flathead catfish to be taken daily. In addition, at most, an angler could only take one flathead catfish 30 inches or longer and could only take one blue catfish as part of their daily limit.

Reason: The proposed changes would standardize the harvest regulations with what is currently on the Nebraska/South Dakota boundary waters. Having standardized regulations is easier for anglers to understand and comply with.

8. ARSD 41:07:06:01. Spearing of rough fish in inland waters and South Dakota-Minnesota boundary waters.

Effect: The proposed change would add “blowguns” as a method of take in these waters.

Reason: The proposed change is part of the overall process to allow for “blowguns” to be used as a method of take.

9. ARSD 41:07:06:01.01. Spearing of rough fish in South Dakota-Nebraska boundary waters.

Effect: The proposed change would add “blowguns” as a method of take in these waters.

Reason: The proposed change is part of the overall process to allow for “blowguns” to be used as a method of take.

10. ARSD 41:07:06:03. Areas open to spearing of game fish.

Effect: The proposed change would allow for the use of “blowguns” as a method of take. Furthermore, the proposed change would allow spearing statewide on inland waters with certain exceptions.

Reason: The proposed change is part of the overall process to allow for “blowguns” to be used as a method of take. Furthermore, the proposed change would allow for increased spearing opportunity.

11. ARSD 41:07:06:06. Limits. (Fish Spearing)

Effect: The proposed change would add the term “blowgun” and therefore be bound by the limitation of this rule.

Reason: The proposed change is part of the overall process to allow for “blowguns” to be used as a method of take.

12.ARSD 41:07:06:07. Restricted areas. (Fish Spearing)

Effect: The proposed change would add the term “blowgun” and therefore be bound by the limitation of this rule.

Reason: The proposed change is part of the overall process to allow for “blowguns” to be used as a method of take.

13. ARSD 41:07:08:01. License requirements and fees.

Effect: The proposed change would add “floatlines” into the licensing structure.

Reason: Adding “floatlines” to this section is part of the overall process to allow for the use of “floatlines.”

14. ARSD 41:07:08:02. Maximum number of hooks allowed on a setline -- Mechanical devices prohibited.

Effect: The proposed change would add “floatline” to this section and delineate the number of hooks allowed per “floatline” and the number of “floatlines” allowed in total.

Reason: Adding “floatlines” to this section is part of the overall process to allow for the use of “floatlines.”

15. ARSD 41:07:08:05.02. Tending hoop nets.

Effect: The proposed rule would add the term “traps” to the administrative rule. Furthermore, the proposed change would require “floatlines” to be attended while fishing.

Reason: The proposed change is an administrative cleanup as “traps” have always been implied to be a hoop net. Adding “floatlines” to this section is part of the overall process to allow for the use of “floatlines.”

16. ARSD 41:07:08:06. Areas and restrictions on the use of hoop nets, traps, and setlines.

Effect: The proposed change would add “floatlines” and therefore make them subject to the restrictions of this rule. Furthermore, the proposed change would add hoop nets and traps as methods of take in certain areas.

Reason: Adding “floatlines” to this section is part of the overall process to allow for the use of “floatlines.” Adding hoop nets and traps as methods of take in certain areas standardized equipment use.

17. ARSD 41:09:04:04. Seines, nets, and traps limited.

Effect: The proposed rule change would remove certain restrictions on mesh size and length.

Reason: The proposed change furthers the department’s overall practice of simplifying administrative rule.

18. ARSD 41:09:04:16. Records required. (Bait Dealers)

Effect: The proposed change would reduce the reporting requirements by licensed bait dealers.

Reason: The department is consistently looking for ways to reduce regulation by eliminating unnecessary or redundant rules. The proposed change furthers that objective.

19. 41:09:04:16.03. Records required for bait sold at retail in South Dakota.

Effect: The proposed change would repeal this rule.

Reason: The department already captures this information and therefore the rule is redundant and unnecessary.

20. ARSD 41:09:07:06.04. Fish health inspection required. (Private Fish Hatcheries)

Effect: The proposed change would eliminate annual fish health and AIS inspections for private hatcheries.

Reason: The department is consistently looking for ways to reduce regulation by eliminating unnecessary or redundant rules. The proposed change furthers that objective.

21. ARSD 41:09:15:01. Definition. (Fishing Tournaments)

Effect: The proposed change would modify the age of a youth in the chapter from 17 to 18.

Reason: During this past year, the department has implemented statutory changes and administrative changes to consistently define a person who is a youth. The proposed change furthers this objective by aligning youth with someone who is under 18 years of age.

22. ARSD 41:10:04:02. Aquatic invasive species exemptions.

Effect: The proposed change would create an exemption for individuals transporting AIS for disposal purposes.

Reason: The proposed change is necessary so that a person can move their conveyances that have AIS on them to a location where the AIS can be disposed of properly. Furthermore

23. ARSD 41:10:04:02.01 (New Rule) Aquatic species conveyance launching and removal exemptions.

Effect: The proposed change would create an exemption for launching a boat, dock, or boat lift that is not cleaned, drained, and dried into the water if certain qualifications are met.

Reason: The additional exemptions are needed in order to accommodate practical application of the administrative rules.

24. ARSD 41:10:04:08. Decontamination required -- residual water present.

Effect: The proposed change would repeal this rule.

Reason: Based upon new scientific information, this rule is deemed to be no longer be necessary.

25. ARSD 41:10:04:09. Decontamination required -- moored boats.

Effect: The proposed change would repeal this rule.

Reason: Based upon new scientific information, this rule is deemed to be no longer be necessary.

Interested persons will be given reasonable opportunity to submit data, opinions, arguments, and their views, either orally or in writing (or both) at the hearing. Persons unable to attend the hearing may mail data, opinions, arguments, and their views to the office of the Secretary of the Department of Game, Fish, and Parks, Foss Building, 523 East Capitol, Pierre, South Dakota 57501, or by going to the GFP website at <http://gfp.sd.gov/forms/positions>. All persons who desire to submit written data, opinions, arguments, and their views by mail or email are encouraged to mail or transmit the same in sufficient time so that it is received by and in the office of the Secretary of the Department of Game, Fish, and Parks 72 hours prior to the date of the hearing. Interested persons will be given reasonable opportunity to submit data, opinions, arguments and their views, either orally or in writing (or both) to the Commission for their consideration. All written and email comments must include the name, home town/city, and state of the person submitting the comments.

The above rule proposals are available for review on the internet by going to <https://rules.sd.gov/> and copies of the proposed rules may be requested from the office of the Secretary of the Department of Game, Fish, and Parks, Foss Building, 523 East Capitol, Pierre, South Dakota 57501. Notice is further given to individuals with disabilities that this hearing is being held in a physically accessible place. Any individuals with disabilities who will require a reasonable accommodation in order to participate in the hearing should submit a request to the undersigned at 605.773.3718 or 605.223.7684 (Telecommunication Device for the Deaf).

Dated this 9 day of Aug, 2021.



Kevin Robling, Secretary

Notice of Public Hearing is published at the approximate cost of \$\_\_\_\_\_.