

Comes, Rachel

From: info@gfp.sd.us
Sent: Wednesday, June 23, 2021 9:50 PM
To: brian_j_pauly@yahoo.com
Cc: Comes, Rachel
Subject: Petition for Rule Change Form

Categories: Commission

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: 118

Petitioner Name: Brian Pauly

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Rule Identification: Current Rule: 41:07:06:03. Areas open to spearing of game fish. Game fish, except paddlefish and sturgeon, may only be taken with a spear gun, spear, crossbow, or bow and arrow from one-half hour before sunrise to one-half hour after sunset in the following areas during the dates listed: (1) South Dakota-Nebraska border waters from South Dakota-Nebraska state line downstream, July 1 through December 31; (2) Lake Francis Case and Lake Sharpe, May 1 through March 31; (3) Lake Oahe from Oahe Dam upstream to the North Dakota state line, May 1 through March 31; (4) On the Missouri River from the Nebraska-South Dakota border from the point where the Missouri River is completely in South Dakota upstream to Fort Randall Dam, May 1 through March 31; (5) Shadehill Reservoir, Belle Fourche Reservoir, and Angostura Reservoir, Waubay and Bitter Lakes in Day County, Swan and Dry #2 Lakes in Clark County, Albert, Henry, Thompson, and Whitewood in Kingsbury County, May 1 through March 31; (6) Pactola Reservoir, excluding salmonids, May 1 through March 31; (7) Northern pike and catfish may be taken for noncommercial purposes from all inland waters, except from Lynn, Middle Lynn, and Amsden Lakes in Day County, Lake Sinai and Twin Lake (east of U.S. Highway 81) in Brookings County, Twin Lake (west of U.S. Highway 81) in Kingsbury County, and North Island and South Island Lakes in McCook and Minnehaha Counties, waters closed to fishing under §§ 41:07:01:05 and 41:07:02:01, and from areas of the Missouri River closed to the spearing of game fish, year-round; and (8) Northern pike and catfish may be taken from all South Dakota-Minnesota boundary waters, except the Bois de Sioux River, November 15 through the last Sunday in February. Upon written request, the commission may, by resolution, temporarily open other areas to the public.

Describe Change: Rule change to open all inland waters, including the Missouri River system within SD, to game fish spearing, May 1 - March 31 annually. New rule would allow harvest via spearfishing of all legal game fish species open to angling on the same waters, except sturgeon statewide, paddlefish statewide, musky in current musky fisheries closed to spearing, walleye in managed walleye fisheries where harvest is limited to a single fish daily, and salmonids in the black hills. Except in lakes managed specifically for muskies, pike and catfish could still be open year-round as currently allowed. All border water rules regarding spearing would remain unchanged.

Reason for Change: I would like to thank the GFP and GFP Commission for amending spearfishing rules in 2017 to expand opportunity to harvest all game fish on select inland waters May through March. The rule change was opposed by many anglers with misconceptions about the realities of spearfishing. Many anglers believe spearfishing is easy and will have a negative impact on fish populations. Anyone who has spearfished understands the sport is labor intensive, challenging, and routinely less effective than angling (but unique and enjoyable in its own right). GFP data collected in 2011 and 2017 indicates fishermen targeting game fish via spearfishing account for only 1.1% of all fishermen statewide. Empirical data from GFP research indicates spearfishers have minimal impacts on fish populations and anecdotal data from GFP fisheries

managers indicates conflict between anglers and spearfishers remains low. Motivation for this petition is to expand opportunity to harvest additional game fish species while targeting northern pike through the ice on inland waters. GFP fisheries biologists agree that nearly all darkhouse spearfishers on inland waters are targeting northern pike, even on the select waters open to additional game fish harvest. Other game fish of typical concern (i.e. walleye and perch) do not generally frequent shallow and clear waters during daylight hours, so they are not typically susceptible to spearfishing through the ice. In the summer months, water clarity is typically poor on many inland waters of South Dakota, which naturally limits spearfishing opportunities. The current spearfishing rules already include a stipulation to protect spawning fish by closing the season during the month of April. Game fish spearfishing opportunities were expanded in 2017 for select inland waters. It is my understanding the select waters were opened so GFP could evaluate and monitor whether spearfishing had a negative impact on game fish populations, and whether unmanageable conflict between anglers and spearfishers occurred. In recent conversations with GFP fisheries managers, spearfishers were not responsible for significant declines in game fish populations and did not create unmanageable levels of conflict with anglers on these waters, despite spearfishing pressure being concentrated to select inland waters open for harvest of additional species. One can safely assume opening additional inland waters to spearfishing harvest of additional game fish species would only further reduce harvest impacts and conflicts with anglers by dispersing spearfishers targeting these additional game fish species. Despite the substantial evidence in favor of expanding spearfishing opportunities throughout the state, and despite the fact the GFP Strategic Plan specifically lists "enhancing fishing opportunities" as a priority, GFP has failed to move forward with any rule changes since the initial changes in 2017 to allow for additional game fish species to be harvested via spearfishing on more inland waters. The GFP and GFP Commission prides themselves on using data and science to guide decisions. I encourage your careful consideration of this petition and urge you to use data and science to guide this decision. If the rule moves forward as proposed, you will likely receive more opposition than support from the public. Most obviously, this will stem from the fact already discussed that anglers outnumber spearfishers 99 to 1. The negative feedback will be largely based on the misconceptions that spearfishing is easy, and overharvest will occur. The data and science say otherwise, and likely suggests angling by-catch, even catch-and-release angling, causes more fish mortality annually than spearfishing. I believe this rule change would be palatable to all user groups if they knew the realities of spearfishing, which may represent a GFP communication and outreach opportunity. Thank you for your consideration of this change, which would simplify the rules and expand opportunity for all licensed fishermen in South Dakota. Sincerely, Brian Pauly Woonsocket, South Dakota