

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

A Public Hearing will be held on September 2, 2020 at 2:00pm (Central) The hearing will be held virtually and can be accessed at the following link: <https://state-sd.zoom.us/j/93430439993?pwd=ajZ2LzFoaldoeG56MmpqKzNleXVDUT09> or by calling 1(669)-900-9128. The Meeting ID is 934 3043 9993 and Password is 210372 and is required to access either. The hyperlink and additional information can be found at <https://gfp.sd.gov/commission/information/>. The public hearing is in relation to consider adoption, amendment and repeal of Rules pertaining to:

1. ARSD 41:06:16:03 Daily bag limit (waterfowl).

Effect: The proposed change would create a new subcategory of bag limit known as the “three splash rule.” It would allow a duck hunter to shoot any three species of duck in lieu of other bag limits.

Reason: Duck hunting participate has been decreasing over the years and this change will help entice those who believe that duck hunting is too complicated in its current form.

2. ARSD 41:06:02:03 Hunting license fees.

Effect: The proposed change would establish a fee for the newly created “three splash licenses.” Also, the proposed change would lower the special nonresident hunting license fee and remove the inclusion of the migratory bird certification permit. Finally, the proposed change would create new permit types and establish fees for hunting unrestricted on private shooting preserves.

Reason: The first change is in connection with an effort to recruit new duck hunters by creating a new license, known as the “three splash rule.” The second change is a result of creation of the “three splash rule” and the hunter will have to select the correct migratory

bird certification permit to reflect their choice. Finally, the third change is a result of working with the private shooting preserve stakeholder group bringing forward a change that the members generally agreed upon.

3. ARSD 41:06:13:01 Spring wild turkey hunting season established – Number and type of licenses available.

Effect: The proposed change would increase resident one-tag “male turkey” licenses in the Prairie Unit.

Reason: There is a need to modify the number of licenses in order to conform with the turkey management plan.

4. ARSD 41:06:13:02 Open Units – Exceptions.

Effect: The proposed change would make the following changes: Clark County would be added to Unit PST-32A, Douglas County would be removed from Unit PST-17A, create a Unit and add Aurora and Douglas Counties, Buffalo County would be added to Unit PST-13A, Beadle and Hand Counties would be added to Unit PST-40A.

Reason: The proposed change offers more opportunity and access for the recreational user.

5. ARSD 41:06:13:04 Application requirements and restrictions.

Effect: The proposed change would increase the number of permits available for spring turkey hunting on Adams Homestead and Nature Preserve. Furthermore, the proposed change would create a number of permits for mentored turkey access permits on Adams Homestead and Nature Preserve.

Reason: The additional licenses and the creation of the mentored tag would provide additional opportunities for recreation use and still fit within the turkey management plan.

6. ARSD 41:06:08:01 Pheasant hunting season established – Open units and dates.

Effect: The proposed change would move the starting time for the first week from 12:00pm to 10:00am. Additionally, there is a proposed change to extend the hunting season to January 31.

Reason: By moving the time to 10:00am, it creates consistency with hunting times for the rest of the season. Additionally, the earlier start times allow for hunters to take advantage of cooler morning temperatures. Extending the season allows for additional opportunity for recreational users to get out and hunt a bit longer into the year.

7. ARSD 41:06:08:02 Daily bag limit (Pheasant).

Effects: The proposed change would increase the bag limit from three male pheasants to four beginning on December 1. This proposed change would not take effect until the 2021 season.

Reason: Recent data suggests that there are more male pheasants that could be harvested in a given year without effecting the current pheasant population.

8. ARSD 41:06:58:03 Shooting hours – Bag and possession limits – License requirements.

Effect: The proposed change would move the shooting hours from 12:00 pm to 10:00 am.

Reason: The proposed change would provide consistency regarding shooting hours for pheasant season. Additionally, allowing for an earlier start would allow hunters to take advantage of cooler morning temperatures.

9. ARSD 41:06:09:01 Grouse hunting season established.

Effect: The proposed change would extend the hunting season to January 31.

Reason: Extending the season allows for additional opportunity for recreational users to get out and hunt a bit longer into the year.

10. ARSD 41:06:11:01 Quail hunting season established.

Effect The proposed change would extend the hunting season to January 31.

Reason: Extending the season allows for additional opportunity for recreational users to get out and hunt a bit longer into the year.

11. ARSD 41:06:12:01 Partridge hunting season established – Open area and dates.

Effect The proposed change would extend the hunting season to January 31.

Reason: Extending the season allows for additional opportunity for recreational users to get out and hunt a bit longer into the year.

12. ARSD 41:09:01:03.01 Daily bag limit – Shooting hours.

Effect: The proposed change would allow for an unrestricted take of pheasants on a private shooting preserve if the correct license is obtained. The proposed change would condition the unrestricted license be required by the entire hunting party if any individual were going to exercise the unrestricted take portion of their license.

Reason: The proposed change is a result of working with the private shooting preserve stakeholder group.

13. ARSD 41:06:27:02:06 Execution of agreement on participation in elk license raffle – Contents of agreement.

Effect: The proposed change would move the drawing of the raffle elk license from 120 days prior to the Custer State Park rifle elk season to no later than July 15.

Reason: The change would allow for unsuccessful applicants from the regular elk hunting season to participate in the raffle.

14. ARSD 41:08:01:08.01 Bobcat trapping and hunting season established.

Effect: The proposed change would create a unified season across the state from December 15 through February 15. Additionally, the season would be expanded to include all counties in the state.

Reason: Currently the state is bifurcated with two different season dates on the east and west sides. Establishing one set season dates and expanding the season to all counties creates consistency across the state.

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

Effect: The proposed change would expand the location on the Missouri River where gamefish may be speared to include from the Nebraska – South Dakota border up to Fort Randall dam, May 1 through March 31. The proposed change would also extend the time during the day which spearing could take place.

Reason: The proposed changes helps to standardize spearing of game fish along the Missouri River. Furthermore, the changes expand opportunity for recreational users.

16. 41:04:01 Marking and Zones.

Effect: The proposed change would require safety signage in association with the operation of aeration systems during periods of ice cover with open public access.

Reason: Aeration systems create thin and open ice. The public needs to be made aware of where these aeration systems are being operated due to safety concerns.

17. 41:10:04 Aquatic Invasive Species.

Effect: The proposed changes would implement that statutory changes passed by the 2020 legislature. (HB 1033) Specifically, the proposed change would remove redundant language covered by statute. The proposed change would create a new rule that outlines the requirements for department approved decontamination process.

Reason: The 2020 legislature created comprehensive AIS legislation in effort to combat zebra mussels. The proposed changes align administrative rule with current statutes.

18. 41:10:04:07 Local boat registries.

Effect: The proposed change would repeal the rule that establishes boat registries for AIS.

Reason: With recent expansion of zebra mussels, the utilization of boat registries makes it impracticable to successfully implement.

19. ARSD 41:10:04:08 and ARSD 41:10:04:09 Decontamination required.

Effect: The proposed change would remove the exception for decontamination for boats that are part of a local boat registry.

Reason: With recent expansion of zebra mussels, the utilization of boat registries makes it impracticable to successfully implement.

20. ARSD 41:10:04:06 Containment waters.

Effect: The proposed change would make any water body that has been found to contain zebra mussel a containment water and therefore require decontamination requirements.

Reason: Zebra mussels have been expanding into other water bodies faster than administrative rules can keep up with. The proposed change would allow the Department to be more reactive in naming containment waters and more effectively protect noncontaminated waters.

21. ARSD 41:10:04:02 Aquatic invasive species restrictions.

Effect: The proposed change would create an exemption for the possession of AIS for owners of a conveyance if they are transporting their conveyance for purpose of decontamination.

Reason: The creation of this exemption allows boat owners to comply with the law while traveling to have their boat decontaminated.

22. ARSD 41:04:02:16 Custer County public water safety zones.

Effect: The proposed change would create an “electric-motors only zone” on Bismarck Lake.

Reason: Bismarck lake is primarily used by canoers and kayakers, as a result, USFS would like to see this restriction to protect those boaters.

23. ARSD 41:04:02:51 Pennington County public water safety zones.

Effect: The proposed change would create an “electric-motors only zone” on Canyon Lake.

Reason: Canyon lake is primarily used by canoers and kayakers, as a result, Rapid city would like to see this restriction to protect those boaters.

24. ARSD 41:07:03:02.01 South Dakota-Nebraska boundary waters.

Effect: The proposed change would change the daily possession limit for trout on the South Dakota-Nebraska boundary waters from seven to five.

Reason: The proposed changes would align daily limits with established limits within South Dakota boundary waters.

25. ARSD 41:03:01:16 Restrictions on use of firearms, air guns, crossbows, and bows in the state park system.

Effect: The proposed change would allow youth who possess a mentored archery spring turkey permit for Adams Homestead and Nature preserve to have an uncased bow.

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, hometown/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 10th day of August, 2020.



Kelly R. Hepler, Secretary

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