

## ADMINISTRATIVE RULES REDUCTION

**Commission Meeting Dates:**

**Public Hearing  
Finalization**

November 1, 2012  
November 1-2, 2012

Madison  
Madison

### COMMISSION PROPOSAL HIGHLIGHTS

#### ACTION ITEM #1

Repeal: Artificial lights 41:07:01:06. A person may use artificial lights while fishing with legal methods.

Justification: Rule is unnecessary. Without rule it is implied that artificial lights may be used while fishing with legal methods.

#### ACTION ITEM #2

Repeal: Possession limit for one-day license 41:07:03:04. A one-day fishing license entitles the licensee to possess no more than one day's limit of fish.

Justification: There is no need to specify a possession limit for a one-day license as they are issued from midnight to midnight. It is implied by the duration of the license that they may not possess more than a one-day limit.

#### ACTION ITEM #3

Repeal: Season and areas open to taking of catfish without limit – Exception 41:07:06:05. Legal spearguns, legal spears, and bows and arrows may be used in the taking of catfish during the hours between sunrise and sunset from January 1 to December 31, inclusive, without limit for noncommercial purposes in Lake Oahe from Oahe Dam upstream to the South Dakota - North Dakota boundary, Lake Sharpe from Big Bend Dam upstream to the U. S. Highway 14 bridge, and Lake Francis Case from Fort Randall Dam upstream to the Brule - Buffalo County line. In Lake Lewis and Clark from Gavin's Point Dam upstream to the Nebraska - South Dakota boundary where the river is entirely within South Dakota, catfish may be taken only within the limits established in § 41:07:03:02.01.

Justification: Much of the text of this rule is repetitious of language in 41:07:06:03. Areas open to spearing of game fish. Additionally, 41:07:03:03 Daily, possession, and length limit restrictions on special management waters, already states catfish may be taken without limit from the inland waters of the Missouri River system and its impoundments. Language related to season dates would be transferred to 41:07:06:03. Areas open to spearing of game fish.

#### ACTION ITEM #4

Repeal: Minimum length of catfish 41:07:08:03. Any catfish less than 12 inches total length taken by a hoop net, trap, or setline shall be returned immediately to the water from which the catfish was taken, except in the South Dakota-Nebraska boundary waters where the minimum length is 15 inches for catfish caught on a setline.

Justification: Rule is unnecessary. Catfish are an underutilized species throughout the Missouri River system and western tributaries in South Dakota. Setlines allow anglers an additional opportunity to harvest catfish and the use of a minimum length limit to regulate harvest is contradictory to the management objective.

#### ACTION ITEM #5

Repeal: Baitfish prohibited 41:07:08:05.01. In the Missouri River and its impoundments from Fort Randall Dam to the North Dakota state line, only prepared or, cut bait, worms, crayfish, and leopard frogs may be

used on tagged setlines. Whole baitfish are prohibited on setlines in the state, except in the Missouri River downstream from Fort Randall Dam.

Justification: Specific stipulations of legal setline bait on the mainstem waters of the Missouri River are no longer needed, with the exception that whole baitfish should be prohibited . Text referring to the prohibition of whole baitfish as setline bait will be included in 41:07:08:06 “Areas and restriction on the use of hoop nets, traps, and setlines. Repealing this rule will help standardize available bait options for the mainstem Missouri River with western tributaries and reservoirs.

**ACTION ITEM #6**

Repeal: Transportation by dealers -- Inspection. 41:09:04:11. A bait dealer may not transport bait in water over 60 degrees Fahrenheit except in a container provided with aerating equipment that maintains sufficient dissolved oxygen in the water at all times to keep the bait in good condition whether or not the vehicle is in motion. Transportation equipment shall allow for inspection of bait at all times.

Justification: This rule specifies conditions for water quality parameters in transport tanks when hauling bait and language that requires transportation equipment to allow for inspection. The rule is not necessary and the inspection language will be added to 41:09:04:12

**List of 6 Rules to Repeal.**

Artificial lights	41:07:01:06.	Repeal
Possession limit for one-day license	41:07:03:04	Repeal
Seasons and areas open to taking of catfish	41:07:06:05	Repeal
Minimum length of catfish	41:07:08:03.	Repeal
Baitfish prohibited	41:07:08:05.01.	Repeal
Transportation by dealers -- Inspection.	41:09:04:11.	Repeal