

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

A Public Hearing will be held at the Best Western Ramkota Conference Center, 920 W. Sioux Avenue, Pierre, South Dakota, on November 7, 2013, at 2:00 o'clock P.M. (CST), to consider adoption, amendment and repeal of Rules pertaining to:

1. ARSD 41:03:04 – Camping Permits and Rules (Camping permit fees)

Effect: The proposed amendments would add Sheps Canyon Horse Camp to the list of areas that require an equestrian campground fee, and increase camping permit fees established in ARSD 41:03:04:03 as follows: Custer State Park modern campground fee from \$18.96 to \$21.00; Modern campground fee from \$11.38 to \$13.00; Custer State Park semi-modern campground fee from \$17.06 to \$19.00; Basic campground fee from \$9.48 to \$11.00; Custer State Park French Creek natural area from \$5.69 to \$7.00 for each person; Use of a campground site at Fort Sisseton during the annual Fort Sisseton Festival from \$16.11 to \$25.00 (Festival campers are exempt from paying the camping fee); Equestrian campground fee from \$11.38 to \$13.00 at Bear Butte Horse Camp and Sica Hollow Horse Camp, and increase the camping fee at the remaining equestrian campgrounds from \$13.27 to \$15.00; Camping cabin fee at most state parks and recreation areas from \$35.07 to \$40.00, camping cabin fee at Lewis and Clark Recreation Area, Pierson Ranch Recreation Area, and Chief White Crane Recreation Area from \$39.81 to \$45.00, and Custer State Park from \$44.55 to \$50.00; Nonprofit youth group camping fee from \$0.47 for each person or \$5.71, whichever is greater, to \$0.50 for each person or \$6.00, whichever is greater; Preferred campground fee from \$13.27 to \$15.00; Prime campsite fee from \$15.17 to \$17.00; Primitive lodging campsite fee from \$20.85 to \$23.00; Custer State Park group camping are fee from \$5.69 per person for overnight use with a minimum fee of \$113.74 to \$7.00 per person for overnight use with a minimum fee of \$140.00; group

lodging fee at Mina Lake State Recreation Area from \$160.00 to \$185.00; Custer State Park, French Creek Horse Camp fee from \$21.80 to \$26.00; Oahe Downstream Group Lodge use fee from \$37.92 to \$40.00 per night for nonprofit youth groups year-round and nonprofit groups and government agencies from November 1 to March 31, inclusive, and from \$118.49 to \$125.00 per night for all other groups year-round, and the use fee for all groups except nonprofit youth groups from \$118.49 to \$125.00 from April 1 to October 31, inclusive; and the additional charge for campground sites with electricity from \$3.79 per unit to \$4.00 per unit.

Reason: Development of improvements at Sheps Canyon Horse Camp (i.e., 11 campsites, trailhead parking, corrals, potable water source and vault toilet) justify adding this area to the other areas that require an equestrian campground fee. Rising park operating costs require user fee adjustments. These fees have remained unchanged for the past three years. The adjusted fees as proposed are comparable to fees of other state park systems in the region.

2. ARSD 41:03:04 – Camping Permits and Rules (Reserved group picnic shelter fee, sale of firewood and park facility use fees)

Effect: The proposed amendments would increase the fee to reserve a picnic shelter from \$18.96 to \$20.00 a day; increase the fee to purchase a bundle of firewood by \$1.00 (\$4.00 to \$5.00); and adjust the fee to use certain park facilities and authorize fees for new services and facilities as follows: Increase the fee for use of Fort Sisseton south barracks from \$125.00 per day to \$300.00 for a period beginning at 10:00 a.m. on Friday and ending at 6:00 p.m. on Sunday; increase for off-site use of the Fort Sisseton event tent from \$750.00 per day to \$1,000.00 per day plus a \$2.00 per mile transport fee for set up over 25 miles; establish a \$125.00 fee for use of Fort Sisseton grounds for outdoor weddings when park benches are used; establish a Lewis and Clark catamaran dry slip

storage fee of \$300.00 for a period beginning May 1 and ending September 30, and for seasonal slip rental beginning on or after July 15 a \$60.00 fee plus \$2.00 per day, and a temporary slip rental fee of \$5.00 per day; and establish an Angostura catamaran dry slip storage fee of \$150.00 for a period beginning May 1 and ending September 30, and for seasonal slip rental beginning on or after July 15 a \$30.00 fee plus \$2.00 per day, and a temporary slip rental fee of \$5.00 per day.

Reason: The proposed fee adjustments for group picnic shelter reservations, purchase of firewood and use of certain park facilities will help the department offset its costs associated with making these facilities and services available at state park areas.

### 3. ARSD 41:06:02 and ARSD 41:07:01 – Hunting and Fishing License Fees.

Effect: Proposed amendments would raise resident hunting and fishing license fees as follows (all hunting license fees marked with an asterisk include the surcharge imposed by SDCL 41-2-34.2): Fishing – Annual-\$25 to \$28, Senior-\$10 to \$12, One-day-\$7 to \$8, and Paddlefish tag-\$20 to \$25; Combination - \$50 to \$55\*, Junior-\$25 to \$27, and Senior-\$35 to \$40; Small game – Annual-\$30 to \$33\* and One-day-\$10 to \$12; Tundra swan tag - \$11 to \$18\*; Turkey – Spring one-tag-\$21 to \$25\*, Spring two-tag-\$26 to \$35\*, Fall one-tag-\$11 to \$15\*, and Fall two-tag-\$16 to \$20\*; Deer – One-tag “any”-\$36 to \$40\*, two-tag “any+antlerless”-\$46 to \$50\*, One-tag antlerless-\$16 to \$20\*, two-tag antlerless-\$26 to \$30\*, and Special buck-\$156 to \$175\*; Antelope – One-tag any”-\$36 to \$40\*, Two-tag “any+doe/fawn”-\$46 to \$50\*, One-tag “doe/fawn”-\$16 to \$20\*, and Two-tag “doe/fawn”-\$26 to \$30\*; Elk – Any elk-\$156 to \$175\* and Antlerless elk-\$106 to \$116\*; Mountain goat - \$256 to \$280\*; Bighorn sheep - \$256 to \$280\*; Mountain lion - \$26 to \$28\*; and Furbearer - \$25 to \$30. Proposed amendments also would raise nonresident hunting and fishing license fees as follows (all hunting license fees marked with an asterisk include the surcharge imposed by SDCL 41-2-34.2): Fishing – Annual-\$60 to \$67, Family-\$60 to \$67,

One-day-\$14 to 16, Three-day-\$32 to \$37, Paddlefish tag-\$20 to \$40, and Game fish spearing-\$5 to \$10; Waterfowl – Spring light goose-\$46 to \$50\*, Early Fall Canada goose-\$46 to \$50\*, and Tundra swan tag-\$16 to \$25\*; Turkey – Spring one-tag-\$86 to \$100\*, Spring two-tag-\$101 to \$125\*, Fall one-tag-\$76 to 90\*, and Fall two-tag-\$86 to \$100\*; Deer – One-tag antlerless-\$56 to \$80\*, Two-tag antlerless-\$81 to \$120\*, and Special buck-\$506 to \$560\*; Antelope – One-tag “doe/fawn”-\$56 to \$80\*, and Two-tag “doe/fawn”-\$81 to \$120\*; Furbearer - \$250 to \$275; and Predator/Varmint - \$35 to \$40. The proposed amendments also would expand the assessment of the current \$5 fee for preference points for intentional unsuccessful applications to all unsuccessful license applications for deer, antelope, turkey, waterfowl, and paddlefish licenses where a preference point is awarded. The fee for preference points will be \$5 for residents and \$10 for nonresidents with applicants having the option of declining the preference point and not paying the preference point fee.

Reason: Based upon 2014 license sales projections, these fee increases would generate \$2,017,000 in revenue during calendar year 2014. This additional revenue along with spending cuts already implemented during the current fiscal year and expanded utilization of federal funding will align expenditures with revenue and allow for replenishment of a spending capital base of \$10 million in the game fund. The last year when a general fee increase package was adopted by the Commission was in 2005. Increased costs associated with state-provided health care and salaries along with inflation (estimated by US Bureau of labor statistics to be 20% from 2005 to 2013) have eroded the ability to generate sufficient revenue to maintain the current level of services at current license fees.

#### 4. ARSD 41:07:01 – General Provisions - Fishing Seasons and Methods.

Effect: The proposed amendment would add a new section which, with certain exceptions for law enforcement and emergency personnel, would prohibit use of external felt soled footwear including boots and waders in the waters of the state.

Reason: Felt soled footwear have been found to be a mode for transmission of aquatic invasive species (AIS). Banning the use of felt soled footwear in South Dakota public waters is an effort to minimize the risk posed by this mode of transmission of AIS.

#### 5. ARSD 41:07:03 – Fish Limits.

Effect: The proposed amendments would (a) change the statewide possession limits for all species in inland waters from two to three times the daily limit; (b) change the possession limit for yellow perch from 15 to 30 fish, twice the daily limit, on South Dakota-Minnesota boundary waters; (c) add East and West Heritage GPA ponds to the list of waters with a 15 inch minimum length limit for largemouth and smallmouth bass; and (d) remove current walleye limits on Lake Oahe of 8 daily of which at most four can be 15 inches or longer in length, and 24 in possession, and instead apply statewide walleye harvest restrictions.

Reason: (a) Interested parties petitioned the Commission to increase the statewide possession limit for walleye in inland waters from two to three times the daily limit stressing the economic benefits to the state of such a change. In an effort to keep possession limits consistent among all species, and because there would be little to no impact on the resource by so doing, Wildlife Division staff is recommending that the proposed increase in statewide possession limits apply to all inland species, not just walleye. (b) A recent survey of South Dakota resident anglers in counties bordering Minnesota, Iowa, and Nebraska determined that resident anglers desire regulations for boundary waters to match those of inland waters and that regulations on boundary waters be the same for anglers licensed in both states. By increasing the yellow perch possession limit for anglers licensed in SD to

twice the daily limit (30 fish) it will be the same as both SD inland waters and the possession limit for anglers licensed in Minnesota fishing SD/MN boundary waters. (c) East and West Heritage GPA ponds are newly managed waters that will be receiving advanced fingerling largemouth bass stockings. Staff anticipates use will be high as with other similar waters in the region, making it a candidate for a 15" minimum on largemouth bass. (d) Abundance of walleye less than 15 inches in length decreased from 2012 to 2013. While some anglers took advantage of the daily limit of 8 walleyes in 2013, many were reluctant to harvest fish less than 14 inches in length. The majority of fish available to anglers in 2014 will be those produced during 2009 and will be longer than 15 inches. Younger year classes of walleye will be below 14 inches in length and angler harvest of these fish is expected to be low.

6. ARSD 41:07:06 – Spearing.

Effect: The proposed amendments would (a) modify ARSD 41:07:06:01 pertaining to spearing of rough fish in inland waters to include spearing of rough fish in South Dakota-Minnesota boundary waters and repeal ARSD 41:07:06:01.02 pertaining to spearing of rough fish in South Dakota-Minnesota boundary waters; and (b) modify ARSD 41:07:06:03 pertaining to areas open to spearing of game fish to (i) remove subsection (7) which allows game fish spearing in certain waters in Eastern South Dakota, (ii) add South Island Lake and county designations for North and South Island Lakes to subsection (8) which allows northern pike to be taken in inland waters of the state except those managed for muskies; and (iii) revise language in the last paragraph of the rule that allows the director of the Division of Wildlife to temporarily open to game fish spearing for special events areas otherwise closed to game fish spearing and instead provide that the GFP Commission by resolution may temporarily open to the public for game fish spearing areas otherwise closed for game fish spearing.

Reason: (a) Applying the same regulations to rough fish spearing on the SD/MN boundary waters as for SD inland waters will simplify regulations and increase opportunity for South Dakota anglers while better matching Minnesota regulations. (b)(i) Subsection (7) of ARSD 41:07:06:03 which allows game fish spearing in a limited number of waters was originally enacted to accommodate dark house spearing for northern pike in eastern South Dakota. Since December of 2012, spearing for northern pike statewide including dark house spearing has been allowed and therefore subsection (7) is no longer necessary. (b)(ii) Currently only North Island Lake is listed as a water managed for muskie and closed to northern pike spearing. South Island Lake is linked to North Island Lake and should be added to the rule along with county designations to clarify where pike spearing is allowed. (b)(iii) The current process of having the Wildlife Division Director issue permits to temporarily open areas to game fish spearing does not allow for adequate public input. It is recommended this authority reside with the Commission to better facilitate public input. In addition, it is being recommended that existing language related to special events be removed to clarify that closed areas which are temporarily opened to spearing game fish would be open to all anglers, not just those participating in a special event.

7. ARSD 41:09:04 – Bait.

Effect: The proposed amendments would (a) modify ARSD 41:09:04:02.02 pertaining to species that may be taken as bait for commercial use to allow emerald shiners and spottail shiners to be taken and sold by any licensed resident bait dealer or sold by any licensed nonresident bait dealer; (b) modify ARSD 41:09:04:02.04 pertaining to species that may be taken as bait for noncommercial use to allow golden shiners, emerald shiners spottail shiners and dead gizzard shad to be transported away from the water from which they were taken to be used as bait; and (c) modify ARSD 41:09:04:03 pertaining to waters closed to the taking of bait to (i) add the exception of that portion of Lewis and Clark Lake

and the Missouri River above Gavins Point Dam in Yankton and Bon Homme counties to “Waters closed year-round to commercial and noncommercial taking of bait” for noncommercial taking of bait, (ii) include Lake Yankton in Yankton County and Lakes Byron and Mud in Beadle County to “Other Waters,” and (iii) remove Lake Yankton (Cottonwood) in Yankton County from “Waters closed year-round to commercial taking of bait.”

Reason: (a) This change would add two additional species to be taken and sold as bait. There is no biological reason to not allow the commercial take of these species for bait and it will provide additional opportunity to bait dealers. (b) This change would allow golden shiners, emerald shiners, spottail shiners and dead gizzard shad to be transported away from the waters from which they were taken with no associated risk to fisheries. (c)(i) This change would clarify that Lewis and Clark Lake and the Missouri River above Gavins Point Dam in Yankton and Bon Homme counties are open to the noncommercial taking of bait. This area will remain closed year round to the commercial taking of bait. (c)(ii) This change would add Lake Yankton in Yankton County and Mud Lake and Lake Byron in Beadle County to the list of other waters closed year-round to commercial and noncommercial taking of bait. These waters have been discovered to contain Asian Carp. (c)(iii) This change would remove Lake Yankton (Cottonwood) from the list of waters closed to the year-round commercial taking of bait because it has been added to the list of waters closed to both the commercial and noncommercial taking of bait.

The above rule proposals may be modified or amended following receipt of public comment at the hearing to include or exclude matters that are described in this Notice of Hearing. The hearing may be continued from time to time until its business has been completed and may be rescheduled.

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 transmit by email to Wildinfo@state.sd.us. 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 on or before 12:00 o'clock P.M. three (3) days prior to the date of 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.

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. Persons with disabilities may contact the undersigned for assistance.

Dated this 10th day of October, 2013.

(SEAL)

  
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Jeffrey R. York, Department Secretary

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