

**GAME, FISH AND PARKS COMMISSION ACTION  
FINALIZATION**

**GENERAL PROVISIONS AND FISH LIMITS  
Chapters 41:07:01 and 41:07:03**

<b>Commission Meeting Dates:</b>	<b>Proposal</b>	<b>July 7, 2022</b>	<b>Spearfish</b>
	<b>Public Hearing</b>	<b>August 31, 2022</b>	<b>Sioux Falls</b>
	<b>Finalization</b>	<b>Aug. 31 - Sept. 1, 2022</b>	<b>Sioux Falls</b>

**COMMISSION PROPOSAL**

Proposed changes:

1. Remove restrictions on when ice fishing shelters can be left overnight on public waters.
2. Remove language referencing gear specifications for the noncommercial take of smelt.
3. Remove the 15" minimum length limit for largemouth and smallmouth bass on Burke Lake in Gregory County and put in place a 15" minimum length limit for largemouth and smallmouth bass on Lake Mitchell in Davison County.

Department recommended changes to proposal:

1. Remove ice fishing shelter removal dates for inland waters and change the ice fishing shelter removal date on South Dakota-Minnesota border waters, from the last day in February to March 5.

**SUPPORTIVE INFORMATION**

1. Currently, no ice fishing house, fishing shanty, or other structure or shelter may remain upon the ice of any of the public waters of this state later than the last day of February of each year, unless authorized by the secretary. After this date, an ice fishing shelter needs to be removed from the ice daily. Removing this deadline on inland waters would allow anglers to keep ice fishing shelters in place during years when suitable ice conditions still exist past the previous deadline. Additionally, it would provide flexibility for anglers when access conditions prohibit retrieval of ice fishing shelters before the deadline. On South Dakota/Minnesota border waters, changing the ice fishing shelter removal deadline to March 5 would align regulations between the two states.
2. The rules governing methods of taking smelt include that nets legal for taking smelt are the same as those for taking bait for noncommercial purposes in 41:09:04:04. Restrictions on mesh-size and net size for minnow traps, seines, dip nets, lift nets, or cast nets used to take bait for noncommercial purposes were removed for 2022. Therefore, no restrictions on mesh size or net size for nets for taking smelt currently exist and the reference to restrictions needs to be removed from the rule.
3. Fish population surveys on Burke Lake in Gregory County indicate that the 15" minimum length limit was having no biological impacts on the fishery. Removing the regulation would provide additional opportunity for anglers to harvest bass. Fish population surveys on Mitchell Lake in Davison County indicated that a 15" minimum length limit would positively benefit the fishery. The regulation will protect smaller largemouth and smallmouth bass from harvest resulting in increased abundance and improved sizes of bass in a lake where recruitment of young fish to the fishery is severely limited.

**APPROVE** \_\_\_\_\_ **MODIFY** \_\_\_\_\_ **REJECT** \_\_\_\_\_ **NO ACTION** \_\_\_\_\_

## DRAFT ADMINISTRATIVE RULE CHANGES

The following are proposed draft changes that are intended to incorporate the recommended changes adopted by the Commission.

- 1) **41:07:01:16. Ice fishing shelter removal deadlines.** On South Dakota-Minnesota border waters, ~~No~~ ice fishing house, fishing shanty, or other structure or shelter may remain upon the ice of any of the public waters of this state later than the last day of February ~~March 5~~ of each year, unless authorized by the secretary. After this date, a shelter may ~~be placed upon the ice of any of the public waters of this state at any time if the shelter is removed from the ice~~ daily remain on the ice between midnight and one hour before sunrise only when occupied or attended.
- 2) **41:07:01:17. Liberalized take of silver carp, bighead carp, smelt, and lake herring.** Smelt and lake herring may be taken by hook and line, seines, lift nets, cast nets, and dip nets. ~~A net legal for taking smelt is a net as defined by § 41:09:04:04.~~ Silver carp and bighead carp that inadvertently jump into any boat or are netted from the air using a dip net may be retained. No person may transport live smelt, live silver carp, or live bighead carp away from the water in which they were taken.
- 3) **41:07:03:03. Daily, possession, and length limit restrictions on special management waters** -- Additional restrictions described. Daily limit, possession limit, length limit, and additional restrictions on special management waters are as follows:
  - (1) Catfish may be taken without limit on the Grand, Moreau, Cheyenne, Belle Fourche, Bad, White, and Little Missouri Rivers; and in the inland waters of the Missouri River and its impoundments;
  - (2) In the waters of Lake Yankton in Yankton County and ~~Burke Lake in Gregory County~~ Lake Mitchell in Davison County, the minimum length limit for largemouth and smallmouth bass is 15 inches;
  - (3) In New Wall Dam in Pennington County, only those largemouth and smallmouth bass less than 14 inches in length or 18 inches or greater in length may be taken, and of the largemouth and smallmouth bass taken daily no more than one may be 18 inches or greater in length;
  - (4) In the Black Hills Fish Management Area:
    - (a) The areas described in subsections (b), (c), and (d) are restricted to artificial lures only and the use or possession of worms, baitfish, salmon eggs, corn, marshmallows, insects, moldable scented bait or naturally-occurring or man-made food intended to be used as bait, within 100 feet of the water in those areas, is prohibited;
    - (b) Rapid Creek, including the Pactola Stilling Basin below Pactola Dam to the foot bridge at Placerville Camp and Upper and Lower Yates Ponds at Cheyenne Crossing, are restricted to catch and release;
    - (c) Rapid Creek in Rapid City from Jackson Boulevard upstream to Park Drive is restricted to catch and release;
    - (d) Spearfish Creek from Homestake Hydro Dam No. 2 to Maurice Dam is restricted to catch and release for rainbow trout. Other trout species may be retained within established limits; and
    - (e) Only one trout 14 inches or greater in length, regardless of species, may be taken daily from streams within the Black Hills Fish Management Area. However, in the Black Hills Fish Management Area the minimum length limit for lake trout or brook trout-lake trout (splake) cross is 24 inches or greater in length and the daily limit is one;
  - (5) All waters statewide are restricted to catch and release only for muskellunge and northern-muskellunge (tiger) cross;

(6) The season on paddlefish is closed, except as provided in §§ 41:07:05:02 and 41:07:06:03.01;

(7) In inland waters only one walleye 20 inches or greater in length may be taken daily, except as provided in subdivisions (10) and (11) of this section;

(8) In Lakes Francis Case and Sharpe, the minimum length limit for walleye is 15 inches, from September 1 through June 30;

(9) In Angostura Reservoir, Shadehill Reservoir, and from the Ft. Randall Dam downstream to the South Dakota-Nebraska state line on the Missouri River, the minimum length limit for walleye is 15 inches;

(10) In Belle Fourche Reservoir and all waters contiguous thereto, including the terminal drop inlet canal, only those walleye less than 15 inches in length or 18 inches or greater in length may be taken, and of the walleye taken daily no more than one may be 18 inches or greater in length;

(11) In Twin Lakes in Minnehaha County and Horseshoe Lake in Day County, the daily limit for walleye of any species is one, 28 inches or greater in length;

(12) In Lynn and Middle Lynn Lakes in Day County, Opitz Lake in Day and Marshall Counties, Newell Lake in Butte County, and Curlew Lake in Meade County, the daily limit for walleye of any species combined is two and the minimum length limit is 15 inches;

(13) From the Ft. Randall Dam downstream to the South Dakota-Nebraska state line on the Missouri River, the daily limit for white bass is 15, possession limit 30; and

(14) In Reetz Lake in Day County, the daily limit is: one walleye 28 inches or greater in length; one yellow perch 14 inches or greater in length; one black crappie 15 inches or greater in length; and one bluegill 10 inches or greater in length, from May 1 through September 30.