

# GAME, FISH AND PARKS COMMISSION ACTION FINALIZATION

## PADDLEFISH SEASON and PERSONS WITH DISABILITIES Chapters 41:07:05 and 41:09:12

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

### COMMISSION PROPOSAL

#### Proposed changes:

1. Remove language regarding ZZ1 units (preference point only) for archery and snagging paddlefish seasons as these units are no longer available.
2. Add crossbows as a legal method of take for paddlefish during archery seasons.
3. Provide a permit to allow for assistance to be given to a disabled angler while participating in lawful fishing activities.

#### Department recommend changes to proposal:

None

### SUPPORTIVE INFORMATION

1. The ZZ-1 units (preference point only) are no longer available for users to submit applications. Users will still be able to obtain preference points if unsuccessful in the draw and during the open period to purchase preference points (September 15 – December 15) each year.
2. Allowing crossbows as a legal method of take for paddlefish would allow for increased opportunities for users and standardization within the state. Allowing crossbows and modifying boundaries would also align with Nebraska border waters.
3. Creating a disabled angler assistance permit would allow for users who have mental or developmental disabilities to receive assistance from an unlicensed individual to perform lawful fishing activities. This would allow permitted individuals to receive assistance in snagging and landing paddlefish, for example.

### DRAFT ADMINISTRATIVE RULE CHANGES

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

**41:07:05:02. Paddlefish season in special management areas.** Any paddlefish angler 18 years of age and older shall obtain and have in possession a valid South Dakota fishing license and a valid, nontransferable paddlefish permit and associated unlocked tag to take or attempt to take a paddlefish with a bow and arrow or crossbow or take or attempt to take paddlefish or rough fish by snagging. A Nebraska resident possessing a South Dakota nonresident paddlefish permit is exempt from the South Dakota fishing license requirement if the Nebraska resident angler possesses a valid Nebraska fishing license or is legally exempt from compliance with Nebraska license or permit requirements. Any paddlefish angler under 18 years of age shall have a valid paddlefish permit and associated unlocked tag in possession while shooting paddlefish with bow and arrow or crossbow or snagging paddlefish or rough fish.

Each paddlefish caught and kept must have the tag immediately affixed to the fish and locked in the manner and place indicated in the instructions provided with the tag. Each paddlefish caught and

not kept must be immediately returned, unharmed, to the water from which it was taken. All paddlefish anglers shall cast for and hook their own fish.

No person may attempt to snag any fish after all paddlefish tags issued to the person have been locked.

(1) The snagging season for paddlefish and rough fish is open on the South Dakota-Nebraska boundary waters below Gavin's Point Dam and on the Big Sioux River from the I-29 bridge to the confluence of the Big Sioux River and the Missouri River from October 1 through October 31.

The snagging hours on the South Dakota-Nebraska Boundary waters and areas of the Big Sioux River open to paddlefish snagging are from 7:00 a.m. to 7:00 p.m. central time daily. Only a legal angler with a valid paddlefish permit and associated unlocked tag may snag paddlefish and rough fish during this season.

For the South Dakota-Nebraska boundary waters the annual quota of 3,200 fish is allocated by a permit and tag issued by each state according to the following schedule: Nebraska - 1,600 permits; South Dakota - 1,550 resident and 50 nonresident permits. Permits and associated tags are available by lottery drawing after application. Any resident or nonresident permit remaining after the first lottery drawing is available on a first-come, first-served basis to any person not already holding a paddlefish permit, who applies. After September 1, a person may apply for a second permit. A person may obtain a maximum of two permits a year. ~~In addition to the 1,600 permits available in South Dakota, a person may apply for Unit SPF-ZZ1 for a preference point only and no opportunity for issuance of a permit.~~

(2) Paddlefish may be taken from sunrise to sunset from June 1 through June 30 from the Missouri River below Gavin's Point Dam with a bow and arrow, or a crossbow downstream from the Highway 81 bridge.

Except as provided in this rule, an archery paddlefish angler 18 years of age and older shall obtain and have possession of a valid South Dakota fishing license and a valid, nontransferable paddlefish permit and associated tag available from the licensing section of the department before participating in archery fishing for paddlefish. A Nebraska resident possessing a South Dakota nonresident archery paddlefish permit is exempt from the South Dakota fishing license requirement if the Nebraska resident angler possesses a valid Nebraska fishing license or is legally exempt from compliance with Nebraska license or permit requirements. Any paddlefish angler under 18 years of age shall have a valid paddlefish permit and associated tag in possession while archery fishing paddlefish.

Two hundred fifty-five archery permits and associated tags are available to residents by lottery drawing after application. Individual paddlefish archery anglers may apply for a second permit and associated tag if any are available following the initial lottery drawing. Anglers may obtain a maximum of two archery paddlefish permits and associated tags each year. An additional eight percent of the permits available to residents may be issued to nonresidents by lottery drawing after application. ~~In addition to the 255 permits available in this state, a person may apply for Unit APF-ZZ1 for a preference point only and no opportunity for issuance of a permit.~~

(3) Paddlefish and rough fish season is open on the waters of Lake Francis Case and the White River up to the Highway 47 bridge from May 1 through May 31. Paddlefish may be taken by snagging ~~or~~ bow and arrow or crossbow.

The snagging and archery hours on the waters of Lake Francis Case and the White River up to the Highway 47 bridge are from 6:00 a.m. through 9:00 p.m., central time daily. Only a legal angler with a valid paddlefish permit and associated unlocked tag may shoot paddlefish with a bow and arrow or snag paddlefish and rough fish during this season.

For the waters of Lake Francis Case and the White River up to the Highway 47 bridge, the annual quota of 350 fish is allocated by a permit and tag. Permits and associated tags are available by lottery drawing after application. Any resident permit remaining after the first lottery drawing is available first-come, first-served to any applicant not already holding a paddlefish permit. After April 1, a person may apply for a second permit. A person may obtain a maximum of two permits a year. ~~In addition to the 350 permits available in this state, a person may apply for Unit SFC-ZZ1 for a preference point only and no opportunity for issuance of a permit.~~

**41:09:12:08 Disabled angler assistance permit.** The department may issue a disabled angler assistance permit to a person with a valid fishing license, or who is exempt from licensing requirements, who has a physical or developmental disability that prevents them from being able to

perform any of the activities associated with fishing. The permit allows another person to assist the permitted individual while fishing, in accordance with existing regulations, and without the need to possess a valid fishing license. A disabled angler assistance permit may be issued on either a temporary or permanent basis, dependent on the type of disability, at the discretion of the department.

APPROVE \_\_\_\_\_

MODIFY \_\_\_\_\_

REJECT \_\_\_\_\_

NO ACTION \_\_\_\_\_