GAME, FISH AND PARKS COMMISSION ACTION
PROPOSAL

Administrative Rule Review
Article 41:08

Commission Meeting Dates: Proposal April 2-3, 2020 Good Earth State Park
Public Hearing July 16, 2020 Fort Pierre
Finalization July 16-17, 2020 Fort Pierre

DEPARTMENT RECOMMENDATION

The Department recommends the following rule changes for the following administrative rules in an effort to reduce redundancy, increase transparency and improve consistency:

Chapter 41:08:01 – Furbearer Seasons
41:08:01:01 Mink and weasel hunting and trapping season established
41:08:01:02 Muskrat trapping season established
41:08:01:07 Beaver trapping and hunting season established in East River and Black Hills Fire Protection District—Exception
41:08:01:08 Beaver trapping and hunting season established in West River—Exception
41:08:01:08.01 Bobcat trapping and hunting season established—Hunting restrictions—Tagging requirements
41:08:01:08.02 Skunk, opossum, fox, raccoon, and badger trapping and hunting season established
41:08:01:08.03 Jackrabbit hunting season established
41:08:01:09 Areas not open
41:08:01:11 Permit required to trap in parks and recreation areas—Time restriction
41:08:01:12 Nonresident restrictions

Chapter 41:08:02 – Trapping Prohibitions
41:08:02:01 Water-sets prohibited—Dates—Exceptions
41:08:02:02 Flagging of muskrat houses prohibited
41:08:02:04 Exposed bait prohibited
41:08:02:05 Snare restrictions
41:08:02:07 Possession and transportation of snares
41:08:02:10 Pole traps prohibited—Exception
41:08:02:13 Traps to be rendered inoperable—Removal of trapping devices
41:08:02:14 Traps and associated equipment prohibited on public lands open to trapping—Dates

Chapter 41:08:05 – Possession of Live Furbearers
41:08:05:01 Possession of live furbearer prohibited—Exception
41:08:05:03 Purchase of live furbearer prohibited
41:08:05:04 Killing or release of furbearer required—Exception for pet
41:08:05:05 Possession of physically altered furbearer prohibited—Exception
41:08:05:07 Seizure and disposition of live furbearer possessed unlawfully

Chapter 41:08:06 – Aerial Hunting
41:08:06:03 County permits—Selection
41:08:06:04 Expiration of permits
41:08:06:06 Hunting area limited

APPROVE _____  MODIFY _____  REJECT _____  NO ACTION _____
During the 2019 Legislative Session HB 1162 was introduced by Representative Gosch. The intent of the bill was to have the Department conduct a systematic review of our administrative rules. During the review the Department was to identify rules that are irrelevant, inconsistent, illogically arranged, or unclear in their intent and direction. After discussions with Representative Gosch, the Department agreed to conduct the systematic review without legislation and to report its findings and corrective changes back to the Executive Board of the Legislative Research Council.

NON-RESIDENT CRITERIA

Not Applicable

RETENTION, REACTIVATION, AND RECRUITMENT CONSIDERATIONS (R3)

The suggested changes correct inconsistencies, remove unnecessary barriers and arrange rules logically thus promoting an administrative code that benefits current, former and new users.
Administrative Rule Review
Article 41:09

Commission Meeting Dates:
Proposal: April 2-3, 2020, Good Earth State Park
Public Hearing: July 16, 2020, Fort Pierre
Finalization: July 16-17, 2020, Fort Pierre

DEPARTMENT RECOMMENDATION

The Department recommends the following rule changes for the following administrative rules in an effort to reduce redundancy, increase transparency and improve consistency:

Chapter 41:09:01 – Private Shooting Preserves
41:09:01:01 Operation plan to be submitted with application
41:09:01:02 Release of male birds required—Harvest limited
41:09:01:02.01 Notification required prior to release of birds
41:09:01:03 Birds that may be released—Minimum release age—Marking of birds
41:09:01:03.01 Daily bag limit—Shooting hours
41:09:01:04.01 Private shooting preserve processing permit—Exception
41:09:01:05 Fee for kill tags—Deadline
41:09:01:05.01 Game release and guest register records required—Deadlines
41:09:01:06 Applications-New and renewal—Single season and three-year season permits authorized—Fees
41:09:01:06.02 Issuance of permit for shooting preserve located within one mile of publicly owned shooting area
41:09:01:07 Minimum area of preserve
41:09:01:08 Definition of “other publicly owned shooting areas”
41:09:01:10 Adjustment to preserve acreage
41:09:01:11 Training required

Chapter 41:09:02 – Captive Game Birds
41:09:02:00 Definition of terms
41:09:02:01 Expiration date of license
41:09:02:02 Possession of captive game birds prohibited—Exceptions—License types and fees
41:09:02:02.01 License application
41:09:02:03 Captive waterfowl—Compliance with federal regulations
41:09:02:06.01 Release to the wild prohibited
41:09:02:08 Records required—Contents—Inspection—Submission of annual report
41:09:02:08.01 Premises to be open to inspection

Chapter 41:09:04 – Bait
41:09:04:02.01 License fees
41:09:04:02.05 Noncommercial limits defined
41:09:04:02.06 Eligibility for bait dealers, agents and employees
41:09:04:03 Waters closed to the taking of bait
41:09:04:04 Seines, nets, and traps limited
41:09:04:05 Trap spacing limited—Emptying required
41:09:04:16.01 Records required for bait taken in South Dakota waters

APPROVE______  MODIFY_____  REJECT_____  NO ACTION______
41:09:04:16.02 Records required for bait imported into South Dakota
41:09:04:16.03 Records required for bait sold at retail in South Dakota
41:09:04:16.04 Records required for bait sold at wholesale in South Dakota
41:09:04:16.05 Records required for bait purchased and transported out of South Dakota
41:09:04:16.06 Records required for nonresident bait dealers for bait sold or purchased in South Dakota
41:09:04:17 Conviction for violation may be cause for revocation and non-renewal of bait dealer license

Chapter 41:09:06 – Raptors
41:09:06:17 Definitions
41:09:06:18 Application for falconry permit—Requirements—Limitations
41:09:06:20 Inspection of facilities
41:09:06:21 Taking or acquisition of raptors—Trapping requirements
41:09:06:22 Threatened and endangered species protected
41:09:06:28 Hunting by falconry—Requirements—Restrictions
41:09:06:29 Captive-bred raptors—Requirements—Restrictions
41:09:06:30 Annual reports
41:09:06:31 Suspension and revocation of permits
41:09:06:32 Standards for falconry

Chapter 41:09:07 – Private Fish Hatcheries
41:09:07:03.02 License approval criteria
41:09:07:05 Records required
41:09:07:06.01 Hatchery licenses available for inspection
41:09:07:06.02 Hatchery license in possession while transporting live fish or fish reproductive products
41:09:07:06.03 Inspection by department representative
41:09:07:06.04 Fish health inspection required

Chapter 41:09:08 – Importation of Fish
41:09:08:03.04 Importation requirements for fish or fish reproductive products

Chapter 41:09:10 – Fur Dealers
41:09:10:02 Resident fur dealers’ records—Reporting
41:09:10:03 Grounds for refusal to issue fur dealer license
41:09:10:04 License fees

Chapter 41:09:11 – Taxidermists
41:09:11:01 License fee and validity
41:09:11:02 Definitions
41:09:11:06 Violation is cause for revocation of license—Immediate return of specimens—Exception

Chapter 41:09:12 – Persons with Disabilities
41:09:12:01 Special crossbow permit
41:09:12:02 Crossbow and bolt specifications
41:09:12:03.01 Definitions
41:09:12:03.02 Disabled hunter permit—Eligibility requirements
41:09:12:03.05 Denial of permit or revocation of existing permit—Reasons—Appeal process
41:09:12:04 License requirements, privileges, and restrictions
41:09:12:06 Application procedure for licenses issued for a reduced fee based on total disability and other qualifications
41:09:12:06.01 Fee—Duration of validity of fishing and hunting licenses
41:09:12:07 Designated shooter permit
41:09:12:07.01 Permit authorities, limitations, and conditions

**Chapter 41:09:13 – Dog Training**
41:09:13:01 Sporting dog training and field trials
41:09:13:02 Bird marking required
41:09:13:03 Release traps or fluorescent streamers required for pheasants
41:09:13:05 Sporting dog trials permitted on public lands

**Chapter 41:09:14 – Nursing Home Group Fishing**
41:09:14:01 License fee—Expiration
41:09:14:02 Possession of license required

**Chapter 41:09:15 – Fishing Tournaments**
41:09:15:01 Definition
41:09:15:03 Application
41:09:15:04 Approval or denial of permit—Special conditions
41:09:15:07 Factors considered for issuance of a permit
41:09:15:08 Application period and issuance of permit
41:09:15:09 Restricted times of fishing tournaments
41:09:15:11 Violation of chapter

**Chapter 41:09:16 – Scientific Collectors**
41:09:16:03 Conditions of license
41:09:16:04 Reporting required
41:09:16:05 Violations

**Chapter 41:09:18 – Wildlife Rehabilitation**
41:09:18:05 Inspection of facilities
41:09:18:07 Release of wildlife
41:09:18:10 Indemnification and liability
41:09:18:11 Suspension and revocation of permits

**SUPPORTIVE INFORMATION**

During the 2019 Legislative Session HB 1162 was introduced by Representative Gosch. The intent of the bill was to have the Department conduct a systematic review of our administrative rules. During the review the Department was to identify rules that are irrelevant, inconsistent, illogically arranged, or unclear in their intent and direction. After discussions with Representative Gosch, the Department agreed to conduct the systematic review without legislation and to report its findings and corrective changes back to the Executive Board of the Legislative Research Council.

**NON-RESIDENT CRITERIA**

Not Applicable

**RETENTION, REACTIVATION, AND RECRUITMENT CONSIDERATIONS (R3)**

<table>
<thead>
<tr>
<th>APPROVE</th>
<th>MODIFY</th>
<th>REJECT</th>
<th>NO ACTION</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
The suggested changes correct inconsistencies, remove unnecessary barriers and arrange rules logically thus promoting an administrative code that benefits current, former and new users.
GAME, FISH AND PARKS COMMISSION ACTION
PROPOSAL

Administrative Rule Review
Article 41:10

Commission Meeting Dates: Proposal April 2-3, 2020 Good Earth State Park
Public Hearing July 16, 2020 Fort Pierre
Finalization July 16-17, 2020 Fort Pierre

DEPARTMENT RECOMMENDATION

The Department recommends the following rule changes for the following administrative rules in an effort to reduce redundancy, increase transparency and improve consistency:

Chapter 41:10:02 – Endangered and Threatened Species
41:10:02:03 List of endangered mammals
41:10:02:05 List of endangered fish
41:10:02:06 List of threatened fish
41:10:02:07 List of endangered reptiles
41:10:02:17 Harassment defined
41:10:02:18 Harassment prohibited
41:10:02:19 Endangered species permit exemption

SUPPORTIVE INFORMATION

During the 2019 Legislative Session HB 1162 was introduced by Representative Gosch. The intent of the bill was to have the Department conduct a systematic review of our administrative rules. During the review the Department was to identify rules that are irrelevant, inconsistent, illogically arranged, or unclear in their intent and direction. After discussions with Representative Gosch, the Department agreed to conduct the systematic review without legislation and to report its findings and corrective changes back to the Executive Board of the Legislative Research Council.

NON-RESIDENT CRITERIA

Not Applicable

RETENTION, REACTIVATION, AND RECRUITMENT CONSIDERATIONS (R3)

The suggested changes correct inconsistencies, remove unnecessary barriers and arrange rules logically thus promoting an administrative code that benefits current, former and new users.