

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 _____
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41:08:06:07 Daily record required
41:08:06:08 Quarterly reporting required
41:08:06:09 Cancellation

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.

APPROVE _____ MODIFY _____ REJECT _____ NO ACTION _____

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Article 41:09

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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 _____
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- 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

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- 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

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GAME, FISH AND PARKS COMMISSION ACTION PROPOSAL

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Article 41:10

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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

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