

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

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

Commission Meeting Dates:	Public Hearing	November 7, 2013	Pierre
	Finalization	November 7-8, 2013	Pierre

COMMISSION PROPOSAL HIGHLIGHTS

1. Add 41:07:01:18 **“Felt Soled Waders Prohibited”**
2. Modify 41:07:03:02. **“South Dakota-Minnesota boundary waters.”** by changing the possession limit for yellow perch from 15 fish to 30 fish, twice the daily limit.
3. Modify 41:07:03:03. **“Daily, possession, and length limit restrictions on special management waters – additional restrictions described.”** by:
 - a. Adding East and West Heritage GPA ponds to the list of waters with a 15” minimum length limit for largemouth and smallmouth bass.
 - b. Removing current walleye limits of 8 daily, of which at most four can be 15 inches or longer in length, and 24 in possession, and applying statewide harvest restrictions for walleye to Lake Oahe.
4. **Modify 41:07:03:01. “Inland waters.”** By changing the possession limit for all species, in inland waters, from two times the daily limit to three times the daily limit.

SUPPORTIVE INFORMATION

1. Felt soled waders have been found to be a pathway for transmission of aquatic invasive species. The absorbent felt material can trap sediment and organic material which may include Didymo (rock snot) cells, whirling disease spores or invertebrate larvae. Those utilizing felt sole waders can then transport those organisms to the next water in which they enter. In an effort to minimize risk of transmission through this pathway, many states have banned the use of felt soled waders.
2. 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.
3. a) East and West Heritage GPA ponds are newly managed waters in Region 3 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 and smallmouth bass.

b) Abundance of walleye below 15 inches 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 shorter than 14 inches. 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.

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4. 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. Petitions stated a possession limit three times the daily limit would better match possession limits with available license types, as currently a three day nonresident fishing license is available with a possession limit that is two times the daily limit.

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 for inland wasters apply to all species, not just walleye.

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**SPEARING
41:07:06**

Commission Meeting Dates:	Public Hearing	November 7, 2013	Pierre
	Finalization	November 7-8, 2013	Pierre

COMMISSION PROPOSAL HIGHLIGHTS

1. Modify 41:07:06:01. **“Spearing of rough fish in inland waters.”** by including the South Dakota-Minnesota boundary waters in this regulation and modifying the title to reflect this change.
2. Repeal 41:07:06:01.2. **“Spearing of rough fish in South Dakota-Minnesota boundary waters.”**
3. Modify 41:07:06:03. **“Areas open to spearing of game fish – Additional permit required.”** by:
 - a. Removing subsection (7) which allows game fish spearing in certain waters in Eastern South Dakota.
 - b. Adding South Island Land 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.
 - c. Removing verbiage that allows the director of the Division of Wildlife to temporarily open areas to game fish spearing for special events and instead state that the Commission may open areas temporarily for all anglers by resolution.

SUPPORTIVE INFORMATION

- 1,2. Applying the same regulations to rough fish spearing on the SD/MN boundary waters will simplify regulations and increase opportunity for South Dakota anglers while better matching Minnesota regulations.
3. (a) Subsection (7) 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. Opportunities for underwater spearing or archery of game fish in these eastern South Dakota waters are extremely limited due to lack of water clarity. Since December of 2012, spearing for northern pike statewide has been allowed. With dark house spearing for northern pike legalized statewide in 2012, subsection (7) is no longer necessary.

(b) 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.

(c) 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. Language related to special events would be removed from the rule, meaning areas temporarily open to game fish species would be open for all anglers, not just those participating in a special event.

**GAME, FISH, AND PARKS COMMISSION ACTION
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**BAIT
41:09:04**

Commission Meeting Dates:	Public Hearing	November 7, 2013	Pierre
	Finalization	November 7-8, 2013	Pierre

COMMISSION PROPOSAL HIGHLIGHTS

1. Modify **41:09:04:02.02** “**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.
2. Modify **41:09:04:02.04** “**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.
3. Modify **41:09:04:03** “**Waters closed to taking of bait.**” By modifying:
 - a. “**Waters closed year-round to commercial and noncommercial taking of bait.**” to 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 for the non-commercial taking of bait.
 - b. “**Other Waters.**” to include Lake Yankton in Yankton County and Lakes Byron and Mud in Beadle County.
 - c. “**Waters closed year-round to commercial taking of bait.**” By removing Lake Yankton (Cottonwood) in Yankton County.

SUPPORTIVE INFORMATION

1. 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.
2. 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. Of the species listed, only gizzard shad pose a potential threat to other waters. In situations where shad survival over winter is high, there is the potential for shad to become overabundant and negatively affect the fish community.
3. These changes would:
 - a. 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 section will remain closed year round to the commercial taking of bait. This will clarify the intent of the rule.
 - b. 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. 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.