

**NOTICE OF PUBLIC HEARING
DEPARTMENT OF GAME, FISH AND PARKS**

A Public Hearing will be held on July 16, 2020 at 2:00pm (Central). The hearing will be held virtually and can be accessed at the following link: <https://state-sd.zoom.us/j/97324529966?pwd=NEExueGtpLzluK3FoTS9jZVdWd3dsZz09> or by calling 1(699)-900-9128. The Meeting ID is 973 2452 9966 and Password is 670107 and is required to access either. The hyperlink and additional information can be found at <https://gfp.sd.gov/commission/information/>. The public hearing is in relation to consider adoption, amendment and repeal of Rules pertaining to:

1. ARSD 41:03:03:03.01 – Park entrance license exemptions.

Effect: The proposed change would not require a park entrance license to be purchased for any enrolled Yankton Sioux tribal member and their family member to enter North Point Recreation Area, Fort Randall South Shore Recreation Area, Randall Creek Recreation Area, and Fort Randall Spillway Lakeside Use Area.

Reason: The referenced parks are located within close proximity to the Yankton Sioux reservation area. As a result, this would provide an opportunity for more youth involvement in outdoor recreation.

2. ARSD 41:06:02:01.03 – Replacement of lost or destroyed license, permit, or game tag.

Effect: The proposed change would eliminate the administrative fee required for lost or destroyed licenses, permits or game tags.

Reason: There are situations in which the original license is less expensive than what the administrative fee charged. This helps reduce unnecessary and unreasonable charges to the public.

3. ARSD 41:06:02:03 – Hunting license fees.

Effect: The proposed rule would establish a fee for nonresident landowner-on own land licenses.

Reason: The 2020 Legislature passed legislation that allowed for certain nonresident landowners to obtain a landowner-on-own land to obtain a West River firearm deer or antelope license. As a result of the new license, a fee needs to be established in administrative rule.

4. ARSD 41:06:14:01 – Fall turkey hunting season established – Number and types of licenses.

Effect: The proposed change would reduce the number of resident single tag license while increasing the number of resident double tag licenses for Prairie Units. The change would also adjust the number of licenses available in the Black Hills.

Reason: The proposed amendments reflect necessary changes in accordance with the Wild Turkey Management Plan.

5. ARSD 41:06:14:02.01 – Prairie units.

Effect: The change would close certain Prairie Units.

Reason: The proposed amendments reflect necessary changes in accordance with the Wild Turkey Management Plan.

6. ARSD 41:08:01:08.05 – River otter.

Effect: The proposal creates new administrative rule to establish a resident river otter trapping season that would be from November 1 through December 31. The rule would limit one river otter per trapper per season. The harvest would be limited to 15 river otters. The rule would also establish procedures for possession and tagging requirements.

Reason: In 2012, a 5-year plan was written to provide general, strategic guidance for the recovery and sustained management of river otter. This plan was recently revised, and public comment is now being reviewed for consideration. As directed in the plan, recovery

criteria were developed to justify removing the species from the state threatened species list when appropriate. At the May meeting the Commission approved the delisting of the river otter. Establishment of a limited river otter season would provide some additional opportunity for trappers.

7. ARSD Chapter 41:08:01 – Furbearer Seasons.

Effect: The proposed changes would eliminate unnecessary language, amend form and style, update authorities and arrange rules in order to be consistent and concise. Furthermore, the proposed change would align all furbearer season start dates to November 1. Other date changes would include removing references to “first Saturday in ...” or “second Saturday in ...” and replace it with November 1.

Reason: The Department is conducting a systematic review of the administrative rules. The Department is identifying and changing rules that are irrelevant, inconsistent, illogically arranged, or unclear in their intent and direction. Moving the start date to one consistent date enables the public to have a better understanding of when seasons start.

8. ARSD 41:08:02 – Trapping Prohibitions.

Effect: The proposed changes would eliminate unnecessary language, amend form and style, update authorities and arrange rules in order to be consistent and concise. Furthermore, the proposed change would clean up season dates and align them to a specific date instead of referencing the conclusion of another season.

Reason: The Department is conducting a systematic review of the administrative rules. The Department is identifying and changing rules that are irrelevant, inconsistent, illogically arranged, or unclear in their intent and direction.

9. ARSD Chapter 41:08:05 – Possession of live furbearers.

Effect: The proposed changes would eliminate unnecessary language, amend form and style, update authorities and arrange rules in order to be consistent and concise.

Reason: The Department is conducting a systematic review of the administrative rules. The Department is identifying and changing rules that are irrelevant, inconsistent, illogically arranged, or unclear in their intent and direction.

10. ARSD Chapter 41:08:06 - Aerial hunting.

Effect: The proposed changes would eliminate unnecessary language, amend form and style, update authorities and arrange rules in order to be consistent and concise.

Reason: The Department is conducting a systematic review of the administrative rules. The Department is identifying and changing rules that are irrelevant, inconsistent, illogically arranged, or unclear in their intent and direction.

11. ARSD Chapter 41:09:01 – Private shooting preserves.

Effect: The proposed changes would eliminate unnecessary language, amend form and style, update authorities and arrange rules in order to be consistent and concise.

Reason: The Department is conducting a systematic review of the administrative rules. The Department is identifying and changing rules that are irrelevant, inconsistent, illogically arranged, or unclear in their intent and direction.

12. ARSD Chapter 41:09:02 – Captive game birds.

Effect: The proposed changes would eliminate unnecessary language, amend form and style, update authorities and arrange rules in order to be consistent and concise.

Reason: The Department is conducting a systematic review of the administrative rules. The Department is identifying and changing rules that are irrelevant, inconsistent, illogically arranged, or unclear in their intent and direction.

13. ARSD Chapter 41:09:04 – Bait.

Effect: The proposed changes would eliminate unnecessary language, amend form and style, update authorities and arrange rules in order to be consistent and concise.

Reason: The Department is conducting a systematic review of the administrative rules. The Department is identifying and changing rules that are irrelevant, inconsistent, illogically arranged, or unclear in their intent and direction.

14. ARSD Chapter 41:09:06 – Raptors

Effect: The proposed changes would eliminate unnecessary language, amend form and style, update authorities and arrange rules in order to be consistent and concise.

Reason: The Department is conducting a systematic review of the administrative rules. The Department is identifying and changing rules that are irrelevant, inconsistent, illogically arranged, or unclear in their intent and direction.

15. ARSD Chapter 41:09:07 – Private fish hatcheries.

Effect: The proposed changes would eliminate unnecessary language, amend form and style, update authorities and arrange rules in order to be consistent and concise.

Reason: The Department is conducting a systematic review of the administrative rules. The Department is identifying and changing rules that are irrelevant, inconsistent, illogically arranged, or unclear in their intent and direction.

16. ARSD Chapter 41:09:08 – Importation of fish.

Effect: The proposed changes would eliminate unnecessary language, amend form and style, update authorities and arrange rules in order to be consistent and concise.

Reason: The Department is conducting a systematic review of the administrative rules. The Department is identifying and changing rules that are irrelevant, inconsistent, illogically arranged, or unclear in their intent and direction.

17. ARSD Chapter 41:08:10 – Fur dealers.

Effect: The proposed changes would eliminate unnecessary language, amend form and style, update authorities and arrange rules in order to be consistent and concise.

Reason: The Department is conducting a systematic review of the administrative rules. The Department is identifying and changing rules that are irrelevant, inconsistent, illogically arranged, or unclear in their intent and direction.

18. ARSD Chapter 41:08:11 – Taxidermists.

Effect: The proposed changes would eliminate unnecessary language, amend form and style, update authorities and arrange rules in order to be consistent and concise.

Reason: The Department is conducting a systematic review of the administrative rules. The Department is identifying and changing rules that are irrelevant, inconsistent, illogically arranged, or unclear in their intent and direction.

19. ARSD Chapter 41:09:12 – Persons with disabilities.

Effect: The proposed changes would eliminate unnecessary language, amend form and style, update authorities and arrange rules in order to be consistent and concise.

Reason: The Department is conducting a systematic review of the administrative rules. The Department is identifying and changing rules that are irrelevant, inconsistent, illogically arranged, or unclear in their intent and direction.

20. ARSD Chapter 41:09:13 – Dog training.

Effect: The proposed changes would eliminate unnecessary language, amend form and style, update authorities and arrange rules in order to be consistent and concise.

Reason: The Department is conducting a systematic review of the administrative rules. The Department is identifying and changing rules that are irrelevant, inconsistent, illogically arranged, or unclear in their intent and direction.

21. ARSD Chapter 41:09:14 – Nursing home group fishing.

Effect: The proposed changes would eliminate unnecessary language, amend form and style, update authorities and arrange rules in order to be consistent and concise.

Reason: The Department is conducting a systematic review of the administrative rules. The Department is identifying and changing rules that are irrelevant, inconsistent, illogically arranged, or unclear in their intent and direction.

22. ARSD Chapter 41:09:15 – Fishing tournaments.

Effect: The proposed changes would eliminate unnecessary language, amend form and style, update authorities and arrange rules in order to be consistent and concise.

Reason: The Department is conducting a systematic review of the administrative rules. The Department is identifying and changing rules that are irrelevant, inconsistent, illogically arranged, or unclear in their intent and direction.

23. ARSD Chapter 41:09:16 – Scientific collectors.

Effect: The proposed changes would eliminate unnecessary language, amend form and style, update authorities and arrange rules in order to be consistent and concise.

Reason: The Department is conducting a systematic review of the administrative rules. The Department is identifying and changing rules that are irrelevant, inconsistent, illogically arranged, or unclear in their intent and direction.

24. ARSD Chapter 41:09:18 – Wildlife rehabilitation.

Effect: The proposed changes would eliminate unnecessary language, amend form and style, update authorities and arrange rules in order to be consistent and concise.

Reason: The Department is conducting a systematic review of the administrative rules. The Department is identifying and changing rules that are irrelevant, inconsistent, illogically arranged, or unclear in their intent and direction.

25. ARSD Chapter 41:10:02 – Endangered and threatened species.

Effect: The proposed changes would eliminate unnecessary language, amend form and style, update authorities and arrange rules in order to be consistent and concise.

Reason: The Department is conducting a systematic review of the administrative rules. The Department is identifying and changing rules that are irrelevant, inconsistent, illogically arranged, or unclear in their intent and direction.

Interested persons will be given reasonable opportunity to submit data, opinions, arguments, and their views, either orally or in writing (or both) at the hearing. Persons unable to attend the hearing may mail data, opinions, arguments, and their views to the office of the Secretary of the Department of Game, Fish, and Parks, Foss Building, 523 East Capitol, Pierre, South Dakota 57501, or by going to the GFP website at <http://gfp.sd.gov/forms/positions>. All persons who desire to submit written data, opinions, arguments, and their views by mail or email are encouraged to mail or transmit the same in sufficient time so that it is received by and in the office of the Secretary of the Department of Game, Fish, and Parks 72 hours prior to the date of the hearing. Interested persons will be given reasonable opportunity to submit data, opinions, arguments and their views, either orally or in writing (or both) to the Commission for their consideration. All written and email comments must include the name, home town/city, and state of the person submitting the comments.

The above rule proposals are available for review on the internet by going to <https://rules.sd.gov/> and copies of the proposed rules may be requested from the office of the Secretary of the Department of Game, Fish, and Parks, Foss Building, 523 East Capitol, Pierre, South Dakota 57501. Notice is further given to individuals with disabilities that this hearing is being held in a physically accessible place. Any individuals with disabilities who will require a reasonable accommodation in order to participate in the hearing should submit a request to the undersigned at 605.773.3718 or 605.223.7684 (Telecommunication Device for the Deaf).

Dated this 23 day of June, 2020.



Kelly R Hepler

Kelly R. Hepler, Secretary

This Notice of Public Hearing is published at the approximate cost of \$_____.