

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

**GENERAL PROVISIONS 41:07:01, FISHING SEASONS 41:07:02**

|                                  |                       |                     |          |
|----------------------------------|-----------------------|---------------------|----------|
| <b>Commission Meeting Dates:</b> | <b>Proposal</b>       | September 6-7, 2018 | Yankton  |
|                                  | <b>Public Hearing</b> | October 4, 2018     | Deadwood |
|                                  | <b>Finalization</b>   | October 4-5, 2018   | Deadwood |

**DEPARTMENT RECOMMENDATION**

1. Modify **General Provisions 41:07:01 and Fishing Seasons 41:07:02** by repealing liberalized fishing regulations and removing definitions.
2. Modify **General Provisions 41:07:01** by adding a definition of possession limits and allowing for an unlimited domicile possession limit.
3. Modify **41:07:02:02 South Dakota – Minnesota boundary waters** by removing closed fishing seasons for game fish on Minnesota – South Dakota boundary waters.
4. Modify **41:07:02:05 Special management waters** by removing stream closures in Eastern South Dakota.

**SUPPORTIVE INFORMATION**

1. Previously, when a fish kill was anticipated on a water, the department utilized liberalized fishing regulations to allow people to utilize the fish in those waters prior to the fish dying. Once liberalized regulations were instituted on these waters, fish were already dying (not susceptible to angling) and were not utilized by anglers. For this reason, liberalized regulations have not been used for some time as they have not been effective at accomplishing their goal.
2. Possession limits do not have a biological impact on fish populations and are difficult to enforce. This change would provide additional flexibility in how and when anglers keep and store fish. Domicile is defined as a person's established, fixed, and permanent home to which the person, whenever absent, has the present intention of returning.
3. This regulation change would reduce regulation complexity and increase recreational opportunities for SD licensed anglers on the SD/MN border waters. This change would align the SD/MN border waters fishing season with SD inland water seasons and provide additional angling opportunities in the spring.
4. Closed seasons on streams are not regulating fish populations biologically. There are very few people that utilize angling opportunities in the spring in these systems. In cooperation with this regulation change, opening spearing for Northern Pike and catfish species year-round would also allow additional opportunity in these streams.

**APPROVE** \_\_\_\_\_ **MODIFY** \_\_\_\_\_ **REJECT** \_\_\_\_\_ **NO ACTION** \_\_\_\_\_

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

**FISH LIMITS 41:07:03, SNAGGING OF PADDLEFISH 41:07:05**

|                                  |                       |                     |          |
|----------------------------------|-----------------------|---------------------|----------|
| <b>Commission Meeting Dates:</b> | <b>Proposal</b>       | September 6-7, 2018 | Yankton  |
|                                  | <b>Public Hearing</b> | October 4, 2018     | Deadwood |
|                                  | <b>Finalization</b>   | October 4-5, 2018   | Deadwood |

**WILDLIFE DIVISION RECOMMENDATION**

1. Modify **41:07:03:01**. by
  - a. removing White Bass and Rock Bass daily and possession limits
  
2. Modify **41:07:03:03**. **“Daily, possession, and length limit restrictions on special management waters -- Additional restrictions described.”** to:
  - a. Eliminate the 1 trout over 14” regulation from Black Hills lakes
  - b. Establish a minimum length limit of 24-inches and a daily limit of 1 for Lake Trout or Splake in the Black Hills Fish Management Area
  - c. Remove the 15” minimum size restriction on Walleye for all waters that have a 4 fish Walleye daily limit except for waters with evaluations in progress (Mo River Reservoirs, Angostura, Shadehill)
  - d. Remove black bass (Largemouth and Smallmouth Bass) size restrictions from all waters with the exception of Burke Lake, New Wall Lake, and Lake Yankton
  - e. Add a 28-inch minimum length and a daily limit of 1 for Walleye on Horseshoe Lake (Day County)
  
3. Modify **41:07:05:02**. **Snagging season in special management areas**. by allowing Lake Francis Case Paddlefish license holders to take a Paddlefish with snagging gear or bow and arrow.

**SUPPORTIVE INFORMATION**

1. **a.** White Bass and Rock Bass are present in high abundance throughout many South Dakota waters. Angler attitudes towards these species vary, but few anglers specifically target them. For those that do target and harvest these species, there is no reason we should limit their ability to harvest.
  
2. **a.** Reservoirs within the Black Hills Fish Management Area are put-and-take fisheries for trout. Many of the fish stocked are above 14 inches upon stocking. Anglers often catch only trout over 14 inches in an outing. In an effort to increase opportunity and better utilize stocked products, the one over 14 inch restriction could be removed on reservoirs.  
  
**b.** Retired broodstock Lake Trout were obtained from the federal hatchery system and stocked in Deerfield Reservoir in an attempt to provide additional angling opportunity for the species. Due to the size at stocking, Staff believe there is a good chance these Lake Trout will reproduce within Deerfield Reservoir over time. Slow growing, long lived species such as Lake Trout can be susceptible to overfishing, especially in small reservoirs. Specifically, a 2015 graduate thesis on Lake Trout population dynamics

**APPROVE** \_\_\_\_\_ **MODIFY** \_\_\_\_\_ **REJECT** \_\_\_\_\_ **NO ACTION** \_\_\_\_\_

contained a chapter on harvest restrictions and their impact on the Lake Trout fishery in Pactola Reservoir. The limit of 1 Lake Trout daily over 24 inches was found to be functioning well at allowing fish to reach sexual maturity, limiting harvest and providing a trophy fishery while not causing excessive pressure on prey fish populations. With the smaller size and amount of cold water habitat in Deerfield Reservoir, providing harvest protection is thought to be even more important to maintain the fishery as the carrying capacity is likely to be lower, in comparison to Pactola Reservoir. It should also be noted that currently Lake Trout fall under daily trout limits in the Black Hills Fish Management Area outside of Pactola Reservoir. This means that anglers may currently harvest 5 Lake Trout daily with only one over 14 inches in length from Deerfield Reservoir. Wildlife Division recommendation 2a on this action sheet seeks to remove the 14 inch minimum on trout caught in reservoirs within the Black Hills Trout Management Area. This would lead to a daily limit of 5 Lake Trout with no size restriction from Deerfield Reservoir if additional restrictions were not put in place specifically on Deerfield Reservoir. A 24" minimum length limit for the Black Hills Fisheries Management Area, in association with the daily limit of one Lake Trout or Splake would also simplify enforcement.

c. Evaluation of Walleye regulations over time throughout South Dakota has led to removals of many minimum size restrictions in recent years. Further review of Walleye lakes with a 4 fish daily limit and a 15 inch minimum size restriction indicates they are not biologically effective over the long-term in producing larger fish. For this reason, removal of the remaining 15 inch minimums on Walleye fisheries with a 4 fish daily limit would provide additional opportunities for anglers to harvest fish without having a biological impact on fish populations. Exceptions to these removals would be those waters currently with an evaluation in progress (Lake Sharpe, Lake Francis Case, Angostura, Shadehill)

-- Remove minimums from the following:

1. Lake Mitchell including Firesteel Creek above Lake Mitchell to Davison County Road No. 12 (Loomis Oil)
2. Richmond Lake
3. Pickerel Lake
4. Clear Lake
5. Roy Lake
6. Lake Enemy Swim
7. Elm Lake

d. Black bass (Largemouth and Smallmouth Bass) are not targeted by the majority of anglers and harvest of bass generally is very low compared with other game fish species. Length restrictions have not been shown to have a biological impact on fish populations. Regulation removals would occur on 35 waters. Evaluations are ongoing on a few waters with bass restrictions. These restrictions would remain in place.

e. This type of regulation has been very successful and popular with anglers in the two other lakes in the state that have it in place. Adding this Walleye restriction on Horseshoe Lake will create more diversity in fishing opportunities for anglers.

3. There has been some desire by anglers for the ability to take Lake Francis Case Paddlefish with archery equipment. Currently the Lake Francis Case Paddlefish season only allows snagging of Paddlefish. This change would give any license holder the opportunity to take a Paddlefish with either gear.

|               |              |              |                 |
|---------------|--------------|--------------|-----------------|
| APPROVE _____ | MODIFY _____ | REJECT _____ | NO ACTION _____ |
|---------------|--------------|--------------|-----------------|

# GAME, FISH, AND PARKS COMMISSION ACTION PROPOSAL

## SPEARING 41:07:06

|                                  |                       |                     |          |
|----------------------------------|-----------------------|---------------------|----------|
| <b>Commission Meeting Dates:</b> | <b>Proposal</b>       | September 6-7, 2018 | Yankton  |
|                                  | <b>Public Hearing</b> | October 4, 2018     | Deadwood |
|                                  | <b>Finalization</b>   | October 4-5, 2018   | Deadwood |

## DEPARTMENT RECOMMENDATION

1. Modify **41:07:06:01 Spearing of rough fish in South Dakota – Nebraska boundary waters.** by:
  - a. Opening rough fish spearing on the border 24 hr/day, year-round
  - b. Adding legal crossbows and legal spearguns to the list of legal methods for rough fish
2. Modify **41:07:06:03. Areas open to spearing of game fish.** by:
  - a. Opening the entirety of Lake Sharpe and Lake Francis Case to gamefish spearing and archery
  - b. Removing the requirement to purchase a game fish spearing and archery permit
  - c. Change spearing season dates for Northern Pike and catfish on inland waters to year round
  - d. Changing border water gamefish season to July 1-Dec 31 to match NE
  - e. Allowing for take of gamefish below Gavins Point Dam
3. Modify **41:07:01:12. Fishing License Fees.** to remove the game fish spearing and archery permit from the list of licenses and permits
4. Modify **41:07:06:07. Restricted areas.** by prohibiting spearing and archery in Angostura Marina and Lewis and Clark Lake Marina

## SUPPORTIVE INFORMATION

1. These changes would allow additional opportunity for rough fish spearing and archery on the border waters with Nebraska.
2.
  - a. Diving and spearing of rough fish is already legal in the area closed to game fish spearing on Lake Sharpe and Lake Francis Case. Allowing spearing of game fish would allow additional opportunity for spearers.
  - b. The game fish spearing and archery permit was implemented to collect information on the number of people spearing/shooting game fish in South Dakota. This objective has been accomplished and the permit is no longer needed.
  - c. Allowing spearing of Northern Pike and catfish species on all inland waters, year round, will allow additional opportunity for a small number of anglers who would take advantage of the opportunity.
  - d,e. These changes would allow additional opportunity for game fish spearing and archery on the border waters with Nebraska.
3. Removing the game fish spearing and archery permit from the list of licenses and permits available corresponds to removing the requirement for the permit in 41:07:06:03.
4. Modifying this regulation will increase safety and reduce the potential for boat congestion and property damage around two very busy marinas. Current regulation only restricts “underwater spearing” within 100 yards from boat docks, swimming and recreation areas.

APPROVE \_\_\_\_\_ MODIFY \_\_\_\_\_ REJECT \_\_\_\_\_ NO ACTION \_\_\_\_\_

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

**AQUATIC INVASIVE SPECIES 41:10:04**

|                                  |                       |                     |          |
|----------------------------------|-----------------------|---------------------|----------|
| <b>Commission Meeting Dates:</b> | <b>Proposal</b>       | September 6-7, 2018 | Yankton  |
|                                  | <b>Public Hearing</b> | October 4, 2018     | Deadwood |
|                                  | <b>Finalization</b>   | October 4-5, 2018   | Deadwood |

**DEPARTMENT RECOMMENDATION**

1. Modify **41:10:04:01**. by adding Starry Stonewort to the list of aquatic invasive species.
2. Modify **41:10:04:02**. by allowing exemptions for commercial plant harvesters and lakeshore property owners from the prohibition on possessing aquatic invasive species.
3. Modify **41:10:04:03**. by allowing the GFP department secretary to authorize certain boats to keep plugs in while trailered.
4. Modify **41:10:04:06**. by adding Lake Yankton to the list of containment waters.

**SUPPORTIVE INFORMATION**

1. Starry stonewort is now located less than an hour from the South Dakota border in MN and there is a risk of boaters spreading it here. Adding starry stonewort to our AIS list will enable law enforcement to prevent boaters with starry stonewort present from launching in SD waters.
2. There is currently no provision for commercial aquatic plant harvesters to possess and transport aquatic invasive plants as part of their harvesting operation. This rule change establishes that mechanism, if commercial operators abide by the conditions of the agreed-upon work plan. Shoreline property owners who want to remove aquatic invasive plants from their lakeshore would be permitted to dispose of them at locations identified in their permit.
3. The department secretary currently can allow anglers participating in events where transport of fish in live wells is desirable to increase survival of fish after a weigh-in event to transport fish in water from a lake, river, or stream. Allowing the secretary to authorize boat plugs to remain in place outside of boat ramp parking areas would facilitate the occurrence of off-site, live release tournaments in highly regulated situations where sufficient oversight and monitoring occurs to ensure that water will not be transferred between waterbodies.
4. Lake Yankton now has Asian Clams and Zebra Mussels and adding it to the list of containment waters would help slow the spread of these aquatic invasive species to other waters in the state.

**APPROVE** \_\_\_\_\_ **MODIFY** \_\_\_\_\_ **REJECT** \_\_\_\_\_ **NO ACTION** \_\_\_\_\_

# GAME, FISH, AND PARKS COMMISSION ACTION PROPOSAL

## Bobcat Trapping and Hunting Season Chapter 41:08:01

|                                  |                       |                            |                 |
|----------------------------------|-----------------------|----------------------------|-----------------|
| <b>Commission Meeting Dates:</b> | <b>Proposal</b>       | <b>September 6-7, 2018</b> | <b>Yankton</b>  |
|                                  | <b>Public Hearing</b> | <b>October 4, 2018</b>     | <b>Deadwood</b> |
|                                  | <b>Finalization</b>   | <b>October 4-5, 2018</b>   | <b>Deadwood</b> |

### DEPARTMENT RECOMMENDATION

**Duration of Recommendation:** 2018-19 and 2019-20 trapping and hunting seasons

**Season Dates:**

**Area:**

December 26, 2018 – February 15, 2019

All counties west of the Missouri River.

December 26, 2018 – January 20, 2019

Bon Homme, Brule, Buffalo, Charles Mix, Clay, Hughes, Hutchinson, Hyde, Union and Yankton counties.

**Requirements and Restrictions:**

1. Trappers or hunters who participate in the bobcat season east river are limited to one bobcat per trapper or hunter.
  
2. A bobcat taken must be presented to a conservation officer or wildlife damage specialist for registration and tagging of the pelt within 5 days of harvest. Additionally, once the season has closed, an individual has 24 hours to notify a conservation officer or wildlife damage specialist of any untagged bobcats harvested during the season. The pelt must be removed from the carcass and the carcass must be surrendered to the conservation officer or wildlife damage specialist. After the pelt has been tagged, it shall be returned to the hunter or trapper. Upon request, the carcass may be returned to the hunter or trapper after the carcass has been inspected and the lower jaw has been removed. A person may only possess, purchase or sell raw bobcat pelts that are tagged through the eyeholes with the tag provided by the department.

**Recommended changes from last year:**

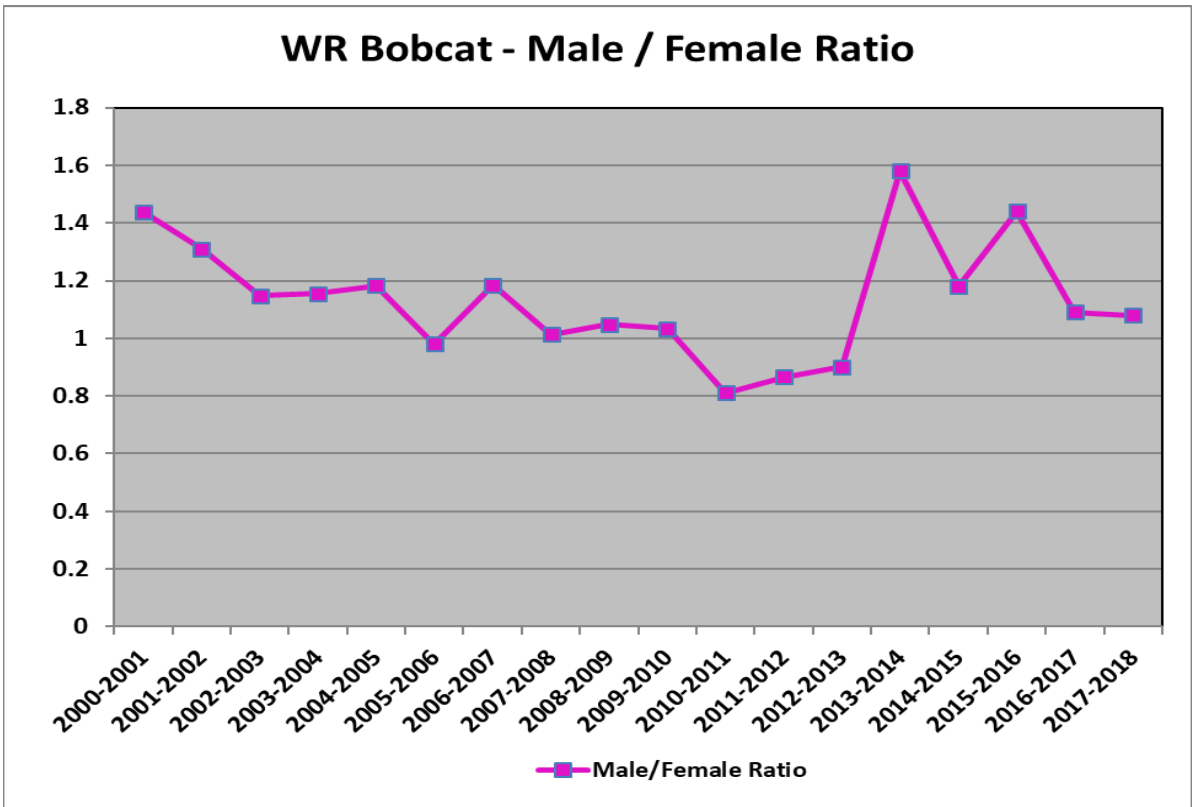
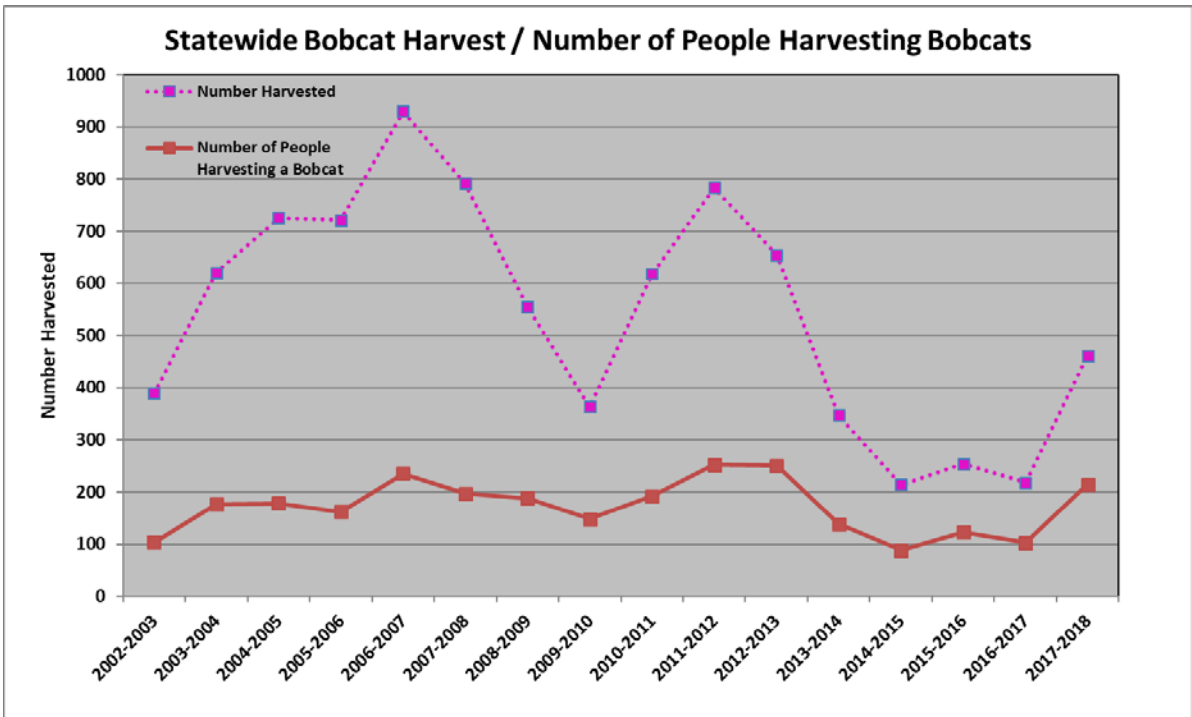
No recommended changes.

### SUPPORTIVE INFORMATION

#### Bobcat Harvest Statistics

|                  | West River |  | East River |
|------------------|------------|--|------------|
| <b>2009-2010</b> | 363        |  |            |
| <b>2010-2011</b> | 618        |  |            |
| <b>2011-2012</b> | 784        |  |            |
| <b>2012-2013</b> | 615        |  | 40         |
| <b>2013-2014</b> | 323        |  | 24         |
| <b>2014-2015</b> | 206        |  | 8          |
| <b>2015-2016</b> | 242        |  | 12         |
| <b>2016-2017</b> | 206        |  | 12         |
| <b>2017-2018</b> | 428        |  | 34         |

**APPROVE** \_\_\_\_ **MODIFY** \_\_\_\_ **REJECT** \_\_\_\_ **NO ACTION** \_\_\_\_



APPROVE \_\_\_\_\_ MODIFY \_\_\_\_\_ REJECT \_\_\_\_\_ NO ACTION \_\_\_\_\_

# GAME, FISH AND PARKS COMMISSION ACTION PROPOSAL

## Deer Hunting Season Drawing Structure

Chapter 41:06:01; 41:06:20; 41:06:21

|                                  |                       |                          |                 |
|----------------------------------|-----------------------|--------------------------|-----------------|
| <b>Commission Meeting Dates:</b> | <b>Proposal</b>       | <b>July 11, 2018</b>     | <b>Pierre</b>   |
|                                  | <b>Public Hearing</b> | <b>Sept. 6- 7, 2018</b>  | <b>Yankton</b>  |
|                                  | <b>Public Hearing</b> | <b>October 4-5, 2018</b> | <b>Deadwood</b> |
|                                  | <b>Finalization</b>   | <b>October 4-5, 2018</b> | <b>Deadwood</b> |

**DEPARTMENT RECOMMENDATION**

**Recommended changes:**

1. Create a combined drawing for the Black Hills, East River, West River, and Muzzleloader deer hunting seasons where applicants must choose a preferred license in the first combined drawing.
  - a. Refuge Deer, Special Buck and Custer State Park would remain separate drawings from the combined deer drawing described in change #1.
  
2. Modify the leftover license allocation process for the seasons in the combined deer drawing:
  - a. In the second draw, an applicant may not apply for a leftover license if the applicant obtained a license for any of the Black Hills, East River, West River and Muzzleloader deer seasons in the first draw.
  
  - b. In the third draw, leftover licenses are no longer pooled in a combined drawing and an applicant may submit one application for each season for which they do not possess a license. Only those nonresidents without a license may apply for a license remaining in pools originally designated (8%) for nonresidents (BHD and WRD).
  
  - c. In the fourth draw, licenses remain segregated in their respective seasons and resident and nonresident licenses within each season are pooled. Residents may submit up to five applications and nonresidents who do not have a license may submit one application.
  
  - d. After the fourth draw, all licenses would be sold first-come, first-served and the number of licenses acquired by either a resident or a nonresident would remain unlimited as is currently allowed in the existing draw structure.
  
3. Allow applicants to use preference points for both 1<sup>st</sup> and 2<sup>nd</sup> choices in draws one through three. First draw applicants must use preference points for their first choice selection (as is currently required). An applicant who uses preference to acquire a license in a season may not purchase a preference point for that season.

| Drawing                                                  | Resident                                                                  | Nonresident                                                               |
|----------------------------------------------------------|---------------------------------------------------------------------------|---------------------------------------------------------------------------|
| <b>1 and 2</b>                                           | Maximum of 1 license in ERD, WRD, BHD, or MZD                             | Maximum of 1 license                                                      |
| <b>3</b>                                                 | Maximum of 1 license in <u>each</u> of the WRD, ERD BHD and MZD seasons.  |                                                                           |
| <i>Leftover Resident and Nonresident Licenses Pooled</i> |                                                                           |                                                                           |
| <b>4</b>                                                 | Maximum of five additional licenses for a maximum total of nine licenses. | Maximum of 1 license, for a total of no more than one license per hunter. |
| <b>5</b>                                                 | Unlimited. First-come, First-served                                       | Unlimited. First-come, First-served                                       |

**APPROVE** \_\_\_\_\_   
 **MODIFY** \_\_\_\_\_   
 **REJECT** \_\_\_\_\_   
 **NO ACTION** \_\_\_\_\_