

of agricultural businesses. Asking commercial enterprise to display IDs is not unreasonable. As trappers, participate willing in an activity, where traps or snares are left unattended on the land, they should be willing to assume all the risks associated with their choice to engage in a practice, that leaves their property unattended. As a trapper will have a Hunter ID number, SD open records law shelters such number, thus an ID number would give them privacy. To view open records laws that protect privacy:

http://sdlegislature.gov/Statutes/Codified_Laws/DisplayStatute.aspx%3FType=Statute%26Statute=1-27-1.5

The proposal that has been chosen after the discussion group's meetings, will not put trapper ID on traps on all public lands. Much of the public land west river is not held by SDGFP but is held by the federal government. In 2001 South Dakota's state owned land was 3.1 percent of SD lands. SDGFP lands were 25% of the state held lands or .77% of SD land. Other state agencies, counties, towns and townships can have public land. Federal lands were 6.2 percent of SD's land. There is much more federal land west river than east river: failing to address traps on federal land discriminates against people using public lands or living west river.

Our National Forests have many private inholdings and much private land and many homes are adjacent to federal land. A person's pets could be caught in a trap on public land and how does person know who manages the trap? Logically a private landowner wants to know who has traps on their land. Other land managers (other than SDGFP) may want to protect some wildlife or public recreation resources and also may need to know who is trapping on their land. Trapper ID should be on all traps on public land.

Born Free USA Extended Trapping Report Card for 2017 shows forty three states had trap ID required, seven did not. It is attached.

A page from South Dakota's Black Tailed Prairie Dog Management Plan, that shows land ownership, is attached. <https://gfp.sd.gov/UserDocs/nav/prairiedog-management-plan.pdf>

Sincerely,



Nancy Hilding
President
Prairie Hills Audubon Society
and for Self

2 attachments

1) Born Free USA Extended Trapping Report Card for 2017

2) Table 1. "Land acreages by ownership categories in South Dakota", From South Dakota's Black Tailed Prairie Dog Management Plan,

GAME, FISH AND PARKS COMMISSION ACTION
FINALIZATION

Tagging of Velvet Antlers
Chapter 41:06:03

Commission Meeting Dates:	Proposal	July 8-9, 2019	Pierre
	Public Hearing	September 5, 2019	Spearfish
	Finalization	September 5-6, 2019	Spearfish

COMMISSION PROPOSAL

Repeal 41:06:03:07:

~~41:06:03:07. Tagging of antlers in the velvet stage. A locking seal which will allow the sale of antlers in the velvet stage is an adhesive tag, bearing the department seal, which indicates the name and address of the original seller. Antlers in the velvet stage taken legally during a big game season may be sold or offered for sale if tagged by an authorized department representative before being sold or offered for sale. Proof of legal acquisition is a prerequisite to the tagging of velvet antlers. An authorized department representative shall sign, date, and permanently attach a locking seal to each velvet antler or part of a velvet antler that was legally taken. The locking seal is provided at no charge. The locking seal is nontransferable and must remain attached to the antler until the antler reaches its final destination and is processed.~~

DEPARTMENT RECOMMENDATION

Recommended changes from proposal: None.

SUPPORTIVE INFORMATION

HB 1023 (2019) repealed the state statute (41-14-13) that mandates that antlers in the velvet stage be tagged in accordance with GFP rules. This provision was in law because of the historical high demand for velvet antlers overseas (mostly in Asia) that has mostly dissolved and this regulation provided protection against the unlawful take, possession, and sale of velvet deer and elk antlers.

APPROVE	_____	MODIFY	_____	REJECT	_____	NO ACTION	_____
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GAME, FISH AND PARKS COMMISSION ACTION
FINALIZATION

Hunting Requirements and Prohibited Methods
Chapter 41:06:04

Commission Meeting Dates:	Proposal	July 8-9, 2019	Pierre
	Public Hearing	September 5, 2019	Spearfish
	Finalization	September 5-6, 2019	Spearfish

COMMISSION PROPOSAL

Modify 41:06:04:03:

41:06:04:03. Methods prohibited. A person may not establish, utilize, or maintain a bait station from August 15 to February 1, inclusive, and from March 15 to May 31, inclusive, to attract any big game animal, including wild turkey, and a person may not use an electronic call when hunting any big game animal except a mountain lion. A bait station is a location where grains, fruits, vegetables, nuts, hay, minerals, or any other natural food materials, commercial products containing natural food materials, or by-products of such materials are placed or maintained as an attractant to big game animals for the purpose of hunting. The use of scents alone does not constitute a bait station.

This section does not apply to foods that have not been placed or gathered by a person and result from normal environmental conditions or accepted farming, forest management, wildlife food plantings, orchard management, or similar land management activities.

A person is exempt from the bait station restrictions while participating in any research or depredation management activities directed by the department.

DEPARTMENT RECOMMENDATION

Recommended changes from proposal: None.

SUPPORTIVE INFORMATION

As a result of the September 1 start date for archery deer hunting, this change is being recommended to adjust the time period when baiting is prohibited.

APPROVE MODIFY REJECT NO ACTION

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

Administrative Rule Review
Chapter 41:01

Commission Meeting Dates:	Proposal	July 8-9	Fort Pierre
	Public Hearing	September 5, 2019	Spearfish
	Finalization	September 5-6, 2019	Spearfish

COMMISSION PROPOSAL

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

1. 41:01:01:02 – Appointment of hearing officer – amend rule to insert gender neutral language and update authority.
2. 41:01:01:03 – Create new rule within article 41:01 to address applicability of GFP rules for Department employees in the performance of their official duties.
3. 41:01:02:01 – Definitions – create additional definitions of “state park system” and “water access areas.”

DEPARTMENT RECOMENDATIONS

Recommended changes from proposal: Do not create a new rule 41:01:01:03 exempting department employees from Title 41 while performing their duties.

Analysis for Recommendation: After consultation with various staff members we determined that employees are sufficiently covered from administrative violations by SDCL 41-2-16. Therefore an additional rule would be repetitive, redundant, and not necessary.

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.

NEW INFO: 41-2-16. Duties assigned to departmental officers and employees. The officers and employees authorized by this title and any other necessary employees or assistants shall perform such duties for the Department of Game, Fish and Parks as may be assigned to them by the department.

APPROVE _____	MODIFY _____	REJECT _____	NO ACTION _____
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**GAME, FISH AND PARKS COMMISSION ACTION
FINALIZATION**

Administrative Rule Review
Chapter 41:02

Commission Meeting Dates:	Proposal	July 8-9	Fort Pierre
	Public Hearing	September 5, 2019	Spearfish
	Finalization	September 5-6, 2019	Spearfish

COMMISSION PROPOSAL

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

1. 41:02 – License Agents – amend article title to “Licensing Agents” for consistency with rules found within this article.
2. 41:02:01:04 – Restriction on sale of licenses – amend rule to address nomenclature for consistency.
3. 41:02:01:05 – Postdating prohibited-Exception – amend rule to address nomenclature for consistency.
4. 41:02:01:07.01 – Disconnecting licensing agents with past due accounts – amend rule to differentiate between agent suspensions and revocations.
5. 41:02:01:12 – Emergency authorization books – amend rule to make form and style changes.

DEPARTMENT RECOMENDATIONS

Recommended changes from proposal: None.

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.

APPROVE _____ **MODIFY** _____ **REJECT** _____ **NO ACTION** _____

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

Administrative Rule Review
Chapter 41:03:01

Commission Meeting Dates:	Proposal	July 8-9	Fort Pierre
	Public Hearing	September 5, 2019	Spearfish
	Finalization	September 5-6, 2019	Spearfish

COMMISSION PROPOSAL

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

1. 41:03:01:01 – Unauthorized land use and entry on posted land prohibited – amend rule to eliminate unnecessary language.
2. 41:03:01:01.01 - Time restrictions for use of George S. Mickelson Trail – amend rule in an effort to consolidate rules and address time restrictions for use of all Department lands.
3. 41:03:01:01.02 – Time restrictions for use of state park system – repeal rule/consolidation.
4. 41:03:01:01.03 – Time restrictions for use of public hunting areas and lake access areas – repeal rule/consolidation.
5. 41:03:01:01.04 – Prohibited use of walk-in areas – amend rule to eliminate unnecessary language.
6. 41:03:01:02 – Leaving of property on department land – amend rule to address nomenclature for consistency.
7. 41:03:01:04 – Permit required for certain organized events – amend rule to address nomenclature for consistency.
8. 41:03:01:07 – Commercial use prohibited – amend rule to eliminate unnecessary language.
9. 41:03:01:10 – Buildings, erection of signs, advertising, and fences prohibited – amend rule to eliminate unnecessary language and address nomenclature for consistency.
10. 41:03:01:11 – Loud speakers prohibited – amend rule to eliminate unnecessary language and address nomenclature for consistency.
11. 41:03:01:13 – Pet prohibitions – amend rule to address nomenclature for consistency and make form and style changes.

APPROVE _____ **MODIFY** _____ **REJECT** _____ **NO ACTION** _____

12. 41:03:01:14 – Horses and riding prohibited-Exception – amend rule to address nomenclature.
13. 41:03:01:15 – Camping in state park, state recreation area, and state lakeside use area allowed only in designated campgrounds – Fourteen-night limit – amend rule to address nomenclature.
14. 41:03:01:16 – Restrictions on use of firearms, crossbow, and bows-Exceptions – amend rule to address nomenclature and eliminate unnecessary language.
15. 41:03:01:16.02 – Restrictions on use or possession of firearms on lake and fishing access and game production areas-Exceptions – amend rule to address nomenclature. (Reverted)
16. 41:03:01:16.03 – Discharge of firearms and bows on George S. Mickelson Trail prohibited – repeal unnecessary rule.
17. 41:03:01:16.04 - Nontoxic shot areas for target shooting -- Exceptions. – Amend rule to address nomenclature. (Reverted)
18. 41:3:01:16.05 - Restrictions on use or possession of centerfire rifles on lake and fishing access areas and game production areas – Amend rule to address nomenclature (Reverted)
19. 41:03:01:17 –Slingshots prohibited – amend rule to address nomenclature and eliminate unnecessary language.
20. 41:03:01:19 – Limitation on tree stands, elevated platforms, and portable blinds – amend rule to provide additional clarity.
21. 41:03:01:20 – Hiking off trails at Bear Butte without permission prohibited-Exception – amend rule to provide additional clarity.
22. 41:03:01:21 – Hang gliding prohibited – amend rule to add appropriate authority.
23. 41:03:01:23 – Residential trash prohibited at department trash facilities – amend rule to provide additional clarity.
24. 41:03:01:24 – Glass containers prohibited – amend rule to provide additional clarity and eliminate unnecessary language.
25. 41:03:01:25 – Jumping and diving at Palisades State Park, Custer State Park, Big Sioux Recreation Area, and Angostura Reservoir prohibited – amend rule to provide additional clarity.
26. 41:03:01:26 – Use of certain rock climbing aids prohibited-Exceptions – amend rule to address nomenclature.
27. 41:03:01:27 – Forage restrictions – Custer State Park and Mickelson Trail – amend rule to add authority.

APPROVE _____	MODIFY _____	REJECT _____	NO ACTION _____
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28. 41:03:01:29 – Restrictions on use of metal detectors-Written authorization required – amend rule to address nomenclature.
29. 41:03:01:31 – Alcoholic beverage prohibited at Lake Alvin swim beach – amend rule in an effort to consolidate similar rules and add provision for Bolton Game Production Area in Union County.
30. 41:03:01:32 – Alcoholic beverage prohibited at Bear Butte State Park – repeal rule/consolidation.
31. 41:03:01:33 – Leaving of human remains at Bear Butte State Park prohibited – repeal rule as it is covered by other state statutes and administrative rules by Department of Health.
32. 41:03:01:34 – Hunter Quarry Lake and Fishing Access Area-Entry or use prohibited- Exceptions – repeal rule and move to more appropriate section under ARSD 41:04:02.
33. 41:03:01:35 – Bait stations prohibited – amend rule to provide additional clarity.
34. 41:03:01:36 – Limitation on trail cameras – amend rule to provide additional clarity.
35. 41:03:01:37 – Firewood prohibited – amend rule to address nomenclature.

DEPARTMENT RECOMENDATIONS

Recommended changes from proposal: Add 41:03:01:16.04 and 41:03:01:16.05

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.

APPROVE _____ MODIFY _____ REJECT _____ NO ACTION _____

GAME, FISH AND PARKS COMMISSION ACTION FINALIZATION

Administrative Rule Review

Chapter 41:03:02

Commission Meeting Dates:	Proposal	July 8-9	Fort Pierre
	Public Hearing	September 5, 2019	Spearfish
	Finalization	September 5-6, 2019	Spearfish

COMMISSION PROPOSAL

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

1. 41:03:02:01 – Driving off roads prohibited-Exceptions – amend rule to provide clarity and eliminate unnecessary language and add specific authority.
2. 41:03:02:02 – Speed limit on department lands – amend rule to provide clarity and consolidate similar rules and add specific authority.
3. 41:03:02:05 – Exhibition driving prohibited – amend rule to provide clarity on applicable areas and add specific authority.
4. 41:03:02:07 – Obedience to yield signs required-Pedestrian has right of way – repeal rule/consolidation.
5. 41:03:02:09 – Obedience to stops signs required – repeal rule/consolidation.
6. 41:03:02:10 – Obedience to one-way road signs required – repeal rule/consolidation.
7. 41:03:02:11 – Parking in no parking zones prohibited – repeal rule/consolidation.
8. 41:03:02:12 – Parking in handicapped space restricted – repeal rule/consolidation.
9. 41:03:02:13 – Restrictions on motor vehicles-Exceptions – amend rule to provide additional clarity on applicable areas and add specific authority.

DEPARTMENT RECOMENDATIONS

Recommended changes from proposal: None.

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.

APPROVE _____	MODIFY _____	REJECT _____	NO ACTION _____
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**GAME, FISH AND PARKS COMMISSION ACTION
FINALIZATION**

Administrative Rule Review
Chapter 41:03:03

Commission Meeting Dates:	Proposal	July 8-9	Fort Pierre
	Public Hearing	September 5, 2019	Spearfish
	Finalization	September 5-6, 2019	Spearfish

COMMISSION PROPOSAL

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

1. 41:03:03:03 – Park entrance license required for admission to state parks and certain recreation areas and lakeside use areas – amend rule to provide additional clarity and add specific authority.
2. 41:03:03:03.01 – Park entrance license exemptions – amend rule to consolidate similar rules and address additional areas where park license exemption exists and add specific authority.
3. 41:03:03:03.02 – Spring open house park entrance license exemption – amend rule to provide additional clarity and add additional periods for free park entrance and add specific authority.
4. 41:03:03:03.03 – Park entrance license not required – repeal rule/consolidation.
5. 41:03:03:04 – Time limits on daily license – amend General Authority/Law Implemented.
6. 41:03:03:05 – Limitations on half-price annual park entrance license – amend rule to provide additional clarity.
7. 41:03:03:06 – Park entrance license fees – amend rule to provide additional clarity.

DEPARTMENT RECOMMENDATION

Recommended changes from proposal: None.

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.

APPROVE _____	MODIFY _____	REJECT _____	NO ACTION _____
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GAME, FISH AND PARKS COMMISSION ACTION PROPOSAL

Administrative Rule Review

Chapter 41:03:04

Commission Meeting Dates:	Proposal	July 8-9	Fort Pierre
	Public Hearing	September 5, 2019	Spearfish
	Finalization	September 5-6, 2019	Spearfish

COMMISSION PROPOSAL

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

1. 41:03:04:01 – Definitions – amend administrative misspelling.
2. 41:03:04:02 – Camping permit required-Exceptions – amend rule to provide clarity.
3. 41:03:04:04 – Registration procedures – amend rule to provide additional clarity.
4. 41:03:04:05.01 – Campsite reservations-Payment of camping fees-Cancellation fees – amend rule to provide additional clarity and add authority.
5. 41:03:04:05.02 – Reserved group picnic shelter fee – amend General Authority/Law Implemented.
6. 41:03:04:07.01 – Sale of firewood – amend rule to address nomenclature and add authority.
7. 41:03:04:10.02 – Camping cabin and rent-a-camper occupancy restricted – amend rule to eliminate reference to rent-a-camper and add authority.
8. 41:03:04:11 – Use of electrical service restricted – amend rule to address nomenclature and add authority.
9. 41:03:04:12 – Checkout times enforced – amend rule to provide additional clarity and address nomenclature and add authority.

DEPARTMENT RECOMMENDATION

Recommended changes from proposal: None.

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.

APPROVE _____	MODIFY _____	REJECT _____	NO ACTION _____
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**GAME, FISH AND PARKS COMMISSION ACTION
FINALIZATION**

Administrative Rule Review

Chapter 41:03:05 and 41:03:06

Commission Meeting Dates:	Proposal	July 8-9	Fort Pierre
	Public Hearing	September 5, 2019	Spearfish
	Finalization	September 5-6, 2019	Spearfish

COMMISSION PROPOSAL

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

1. 41:03:05:01 – Payment of trail user service fee required for certain recreational trails – amend rule to provide additional clarity and add authority.
2. 41:03:05:04 – Expiration of daily trail user pass – amend rule to extend time period that daily trail user pass is valid.
3. 41:03:05:06 – Display of trail user pass – amend rule to provide additional clarity.
4. 41:03:06:01 – Display of a commercial snowmobile trail user pass required – amend rule to eliminate unnecessary language.

DEPARTMENT RECOMMENDATION

Recommended changes from proposal: None.

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.

APPROVE _____ **MODIFY** _____ **REJECT** _____ **NO ACTION** _____