

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

Possession, Processing and Transportation of Game; Taxidermists

Chapter 41:06:03; 41:09:11

Commission Meeting Dates:	Proposal	July 8-9, 2019	Pierre
	Public Hearing	October 3, 2019	Chamberlain
	Finalization	October 3-4, 2019	Chamberlain

COMMISSION PROPOSAL

Establish new rules related to the management of chronic wasting disease (CWD) and make effective July 1, 2020.

A cervid is defined as a mammal of the family Cervidae, which includes white-tailed deer, mule deer and elk.

1. Interstate Carcass Transportation
 - A. Importation of whole cervid carcasses and high-risk cervid carcass parts into South Dakota is restricted from other states, regardless of CWD status of the exporting state.
 - B. Only the following portions of hunter-harvested cervid carcasses may be brought into South Dakota:
 - i. cut and wrapped meat; quarters or other portions of meat with no part of the spinal column or head attached; antlers, hides or teeth; finished taxidermy mounts; or antlers attached to skull caps that are cleaned of all brain tissue.
 - C. Whole cervid carcasses only traveling through South Dakota are exempt from this regulation.
2. Intrastate Carcass Transportation
 - A. Whole cervid carcasses and high-risk cervid carcass parts shall not leave a known CWD endemic area within South Dakota.
 - B. Only the following portions of cervid carcasses may leave a known CWD endemic area within South Dakota:
 - i. cut and wrapped meat; quarters or other portions of meat with no part of the spinal column or head attached; antlers, hides or teeth; finished taxidermy mounts; or antlers attached to skull caps that are cleaned of all brain tissue.
3. Carcass Disposal
 - A. A hunter shall dispose of all remaining cervid carcass parts taken from another state, regardless of CWD status of the exporting state, or a known South Dakota CWD endemic area with a waste management provider or permitted landfill when non-commercial meat processing and non-commercial taxidermy has concluded.
 - i. Those cervid carcasses taken from a known South Dakota CWD endemic area that test negative for CWD from a verified test sponsored by the Department would be exempt from this disposal regulation.
 - ii. Any recipient of such gift of wildlife as described above shall follow this cervid carcass disposal requirement.
 - B. A wildlife processing facility as defined by 41:06:03:10 shall dispose of all remaining cervid carcass parts taken from another state, regardless of CWD status of the exporting state, or a known South Dakota CWD endemic area with a waste management provider or permitted landfill.
 - i. Game processors licensed by U.S. Department of Agriculture or S.D. Animal Industry Board shall dispose of carcasses as required by the conditions associated with such license.
 - C. A taxidermist as defined by 41:09:11:02 shall dispose of all remaining cervid carcass parts taken from another state, regardless of CWD status of the exporting state, or a known South Dakota CWD endemic area with a waste management provider or permitted landfill.

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

DEPARTMENT RECOMMENDATION

Recommended changes from proposal: No recommended change to the carcass disposal requirements as currently proposed. In addition to the transportation rules currently proposed, the Department would like to offer the following alternatives for discussion and consideration for the transportation of carcasses. If the original proposal is amended, the Department would recommend another 30-day public comment period and finalize at the October Commission meeting.

NOTE: Each alternative listed below for carcass transportation would be subject to the proposed disposal of carcass parts requirement for hunters, taxidermists and processors.

Alternative #1 (Whole Carcass Restriction; Similar to Current Proposal)

Interstate Carcass Transportation

- A. Importation of whole cervid carcasses into South Dakota is restricted from other states, regardless of CWD status of the exporting state.
- B. Only the following portions of cervid carcasses may be brought into South Dakota: deboned meat; quarters or other portions of meat with no part of the spinal column; antlers, hides or teeth; finished taxidermy mounts; or antlers attached to skull caps that are cleaned of all brain tissue.
- C. Whole or partial cervid carcasses only traveling through South Dakota are exempt from this regulation.

Intrastate Carcass Transportation

- A. Only the following portions of cervid carcasses may leave a known CWD endemic area within South Dakota: deboned meat; quarters or other portions of meat with no part of the spinal column; antlers, hides or teeth; finished taxidermy mounts; or antlers attached to skull caps that are cleaned of all brain tissue.

Alternative #2 (Carcass Restriction with Head/Antler Allowance for Taxidermy)

Interstate Carcass Transportation

- A. Importation of whole cervid carcasses into South Dakota is restricted from other states, regardless of CWD status of the exporting state.
- B. Only the following portions of cervid carcasses may be brought into South Dakota: deboned meat; quarters or other portions of meat with no part of the spinal column; antlers, hides or teeth; finished taxidermy mounts; antlers attached to skull caps that are cleaned of all brain tissue; and whole heads with or without cape for commercial and non-commercial taxidermy.
- C. Whole or partial cervid carcasses only traveling through South Dakota are exempt from this regulation.

Intrastate Carcass Transportation

- A. Only the following portions of cervid carcasses may leave a known CWD endemic area within South Dakota: deboned meat; quarters or other portions of meat with no part of the spinal column; antlers, hides or teeth; finished taxidermy mounts; antlers attached to skull caps that are cleaned of all brain tissue; and whole heads with or without cape for commercial and non-commercial taxidermy.

Alternative #3 (Whole Carcass Allowance)

Interstate Carcass Transportation

- A. Importation of whole or partial cervid carcasses and head with antlers attached into South Dakota is allowed from other states, regardless of CWD status of the exporting state, if delivered to a licensed taxidermist, game processor or to the hunters domicile.
- B. Whole or partial cervid carcasses only traveling through South Dakota are exempt from this regulation.

Intrastate Carcass Transportation

- A. Whole or partial cervid carcasses and head with antlers attached may be transported from known CWD endemic areas only if the cervid carcass is delivered to a licensed taxidermist, commercial processor or to the hunters domicile.

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

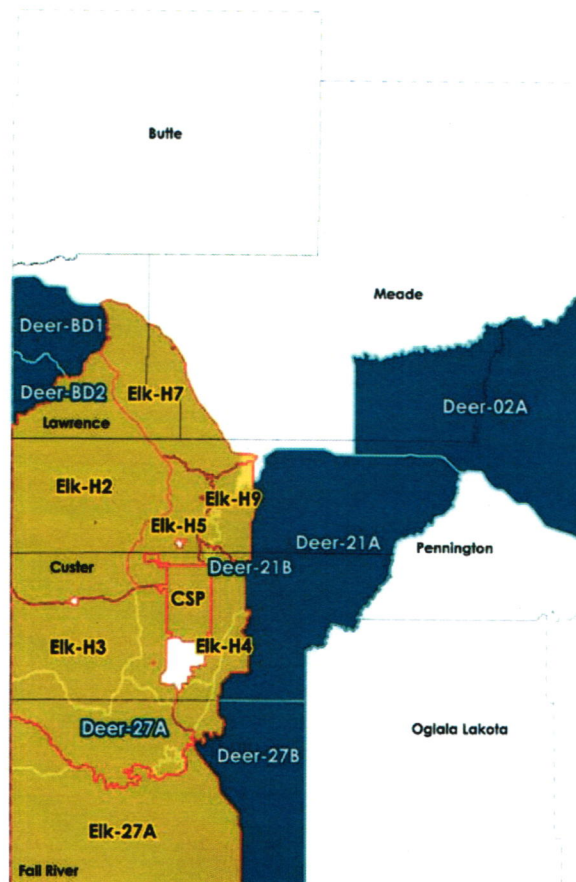
SUPPORTIVE INFORMATION

Chronic wasting disease (CWD) poses serious challenges to wildlife managers and the implications of long-term sustainability and management for free-ranging deer and elk could be significant. The known CWD endemic area is currently restricted to southwestern South Dakota and includes the counties of Custer, Fall River, Lawrence and Pennington counties. CWD has been confirmed in deer within the Black Hills (Firearm Units BD1 and BD2), Custer State Park and Prairie Units 02A, 21A, 21B, 27A, 27B and 27L. CWD has been confirmed in elk within the Black Hills (Firearm Units H2, H3, H4, H5, H7 and H9), Custer State Park and Prairie Unit 27A.

Chronic wasting disease can be spread among cervids by both direct contact between animals and exposure to environments contaminated with CWD prions, the abnormal protein that causes the disease. The unnatural dispersal of CWD-infected cervid carcasses from the location of harvest within a known CWD endemic area to places such as a hunter's home, taxidermist or game processor in a portion of the state not known to have CWD, is a significant concern. Since there is currently no known cure for CWD, proactive actions that include preventive measures to reduce the unnatural spread of CWD are a high priority.

The goal state of the South Dakota Chronic Wasting Disease Action Plan is to determine presence/absence of CWD, reduce the spread of CWD, and have an informed public that understand, support and participate with CWD management practices to ensure viable deer and elk populations for future generations. The above recommendations have been identified as new rules for consideration within the action plan to reduce the spread of CWD through the proper disposal of carcass remains.

Known CWD Endemic Area by Hunting Unit



APPROVE MODIFY REJECT NO ACTION

GAME, FISH, AND PARKS COMMISSION ACTION PROPOSAL

Trapping Prohibitions Chapter 41:08:02

Table with Commission Meeting Dates, Proposal, Public Hearing, Finalization, Dates, and Location.

COMMISSION PROPOSAL

Current Rule:

41:08:02:03. Trap checking required. A trapper shall check all traps and snares in the field belonging to the trapper and remove any caught animal prior to 12 o'clock midnight of the second full calendar day east of the Missouri River...

Proposed changes from last year:

- 1. Modify existing administrative rule to require that all traps and snares in South Dakota be checked within 24-hours from the time the trap or snare was set.
2. Create a new administrative rule that would allow Game, Fish and Parks personnel to grant extensions to the 24-hour check time due to unanticipated complications or emergencies.
3. Create a new administrative rule that before setting traps and snares, it shall be the duty of the person setting a trap or snare to study the weather reports for the next 48-hours and make a record of that data.
4. Create a new administrative rule which would allow Game, Fish and Parks personnel to release or euthanize an animal held in a trap or snare longer than 24-hours.
5. Create a new administrative rule which would allow any person, after receiving permission from a Game, Fish and Parks personnel, to release or euthanize an animal in a trap or snare longer than 24-hours.
6. Create a new administrative rule that requires any animals euthanized by an authorized person of Game, Fish and Parks, which a profit is generated, to be reverted back to Game, Fish and Parks.
7. Create a new administrative rule in which Game, Fish and Parks shall keep records on trap check time extensions and shall give an annual summary report to the Game, Fish and Parks Commission.

Department Recommendation to Current Proposal:

Modify #1 above: Modify existing administrative rule to require all traps and snares in South Dakota be checked prior to 12 o'clock midnight of the third full calendar day following a previous check or when the trap was initially set. And retain the exception for any trap or snare entirely submerged in

APPROVE ___ MODIFY ___ REJECT ___ NO ACTION ___

water that remains set beneath the ice to be checked prior to 12 o'clock midnight of the fifth full calendar day statewide, following a previous check or when the trap was initially set.

Remove items #2 thru #7.

SUPPORTIVE INFORMATION

This proposal is a result of a petition that was submitted and the Game, Fish and Parks (GFP) Commission accepted at the July 8-9, 2019, GFP Commission meeting.

APPROVE ____ **MODIFY** ____ **REJECT** ____ **NO ACTION** ____

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

Trapping Prohibitions

Chapter 41:08:02

Commission Meeting Dates:	Proposal	September 5, 2019	Spearfish
	Public Hearing	October 3, 2019	Chamberlain
	Finalization	October 3-4, 2019	Chamberlain

COMMISSION PROPOSAL

Create A New Administrative Rule:

Limitation on traps and snares. Any trap or snare placed on improved public road rights-of-way and Game Production Areas (GPA's) shall be permanently marked with a metal tag attached, with the person's Hunter ID number.

Any trap or snare that is lost or stolen shall be reported within five days of knowledge of loss to a conservation officer.

Exemption. Landowners or operators that set a trap or snare on improved public road rights-of-way that are immediately adjacent to property they own or operate, are exempt from this requirement.

Department Recommendation to Current Proposal:

The Department does not support.

Law enforcement has been able to enforce trapping regulations without trap identification since the implementation of trapping rules and regulations. This proposed requirement is an unnecessary regulatory burden for trappers and creates further complexity to trapping rules, which contradict the Department's efforts to recruit, retain and reactivate people into the activity of trapping.

SUPPORTIVE INFORMATION

After discussions during the Trap-ID Work Group, some GFP Commissioners that participated in the meeting requested GFP staff to create a proposal for consideration regarding trap/snare identification on improved public road rights-of-way and Game Production Areas. Most types of equipment (i.e. tree stands, ground blinds, bait-traps, and trail cameras) that are commonly left on Game Production Areas longer than 24-hours, are required to be marked.

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

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

Hunting Requirements and Prohibited Methods
Chapter 41:06:04

Commission Meeting Dates:	Proposal	September 5-6, 2019	Spearfish
	Public Hearing	October 3, 2019	Chamberlain
	Finalization	October 3-4, 2019	Chamberlain

DEPARTMENT RECOMMEDATION

41:06:04:14. Muzzleloading restrictions. In seasons restricted to muzzleloading firearms, no telescopic sights may be used. Telescopic sights are those sights that utilize magnification.

Recommended changes from last year:

1. Repeal 41:06:04:14 and allow for a telescopic scope of any power to be used for seasons restricted to muzzleloading firearms.

SUPPORTIVE INFORMATION

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

Mountain Lion Hunting Season
Chapter 41:06:61; 41:06:02

Commission Meeting Dates:	Proposal	September 5-6, 2019	Spearfish
	Public Hearing	October 3, 2019	Chamberlain
	Finalization	October 3-4, 2019	Chamberlain

DEPARTMENT RECOMMENDATION

Duration of Recommendation: 2019/2020 and 2020/2021 seasons

Open Area: Statewide

Season Dates: Black Hills: December 26, 2019 – April 30, 2020
December 26, 2020 – April 30, 2021

Prairie: Year-round

Licenses: Residents: Unlimited licenses
Nonresidents: 250 lottery licenses

Harvest Limit: Black Hills Fire Protection District: 60 mountain lions or 40 female mountain lions (includes Custer State Park)

Requirements and Restrictions:

1. May harvest no more than one (1) mountain lion in a season.
2. No person may hunt mountain lions with the aid of traps or bait. The use of dogs is allowed in Custer State Park during specified hunting intervals.
3. Shooting hours are ½ hour before sunrise to ½ hour after sunset.
4. No mountain lion with a spotted coat (kitten) and no mountain lion accompanying another mountain lion may be harvested.
5. A person may use an electronic call to hunt mountain lions.
6. All firearms, muzzleloaders, and archery equipment must meet the same minimum requirements as established in rules for deer hunting.
7. The Game, Fish, and Parks Commission, by resolution, may authorize the mountain lion season to extend beyond April 30.
8. The use of dogs to hunt mountain lions is only allowed during those specified hunting intervals in Custer State Park that allow for the use of dogs and outside of the Black Hills Fire Protection District on private land with permission of the landowner or lessee. However, a pursuit of a mountain lion by dogs that originates on private land may cross over or culminate on any public lands where unleashed dogs are permitted.
9. In Custer State Park, a person using dogs shall attempt to harvest the first legal mountain lion they have a reasonable opportunity to harvest, except under the condition where the lion pursued shows obvious signs of lactation.
10. Licensed hunters must accompany the dog handler when the dogs are released and must continuously participate in the hunt thereafter until the hunt is completed.
11. Custer State Park is closed to mountain lion hunting except for 57 mountain lion licensees who possess a valid mountain lion license and a temporary access permit structured to include:

APPROVE _____	MODIFY _____	REJECT _____	NO ACTION _____
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- (a) Three hunting intervals each having 15 access permits in which hunting with dogs is not allowed; and
 - (b) Four hunting intervals each having three access permits in which hunting with dogs is allowed.
 - (c) Hunting in Custer State Park shall begin with an interval that allows the use of dogs and rotate every 14 days with an interval that does not allow the use of dogs until the lion season closes in the Black Hills Fire Protection District. The temporary access permits are issued free-of-cost and may be issued by a random drawing.
12. All mountain lions harvested within the Black Hills must be presented to a department representative at the Rapid City Regional Office or Custer State Park Headquarters within 24 hours of harvest for inspection and pelt tagging. Any person who harvests a mountain lion outside of the Black Hills region must present the mountain lion to a department representative within 24 hours of harvest.

Recommended changes from last year:

1. Change the season dates from December 26 – March 31 to December 26 – April 30.
2. Increase the number of access permits in Custer State Park from 57 to 65.
3. Allow nonresident hunting opportunity and provide 250 nonresident lottery licenses.
4. Establish a nonresident license fee of \$280.
5. Outside the Black Hills Fire Protection District, expand the allowance for the use of dogs that originates on private land to cross over or culminate on any public lands where unleashed dogs are permitted. The current restriction for the Fort Meade Recreation Area would remain.
6. Authorize the Commission to extend the hunting season beyond April 30.

SUPPORTIVE INFORMATION

Year	Licenses Sold *	BLACK HILLS HARVEST			PRAIRIE HARVEST		
		Males	Females	Total	Males	Females	Total
2005/06	2,588	6	7	13	0	1	1
2006/07	3,295	7	8	15	1	0	1
2007/08	4,070	2	15	17	1	1	2
2008/09	2,335	11	15	26	2	0	2
2009/10	2,274	16	24	40	1	2	3
2010/11	2,591	21	28	49	3	0	3
2011/12	3,720	27	46	73	1	1	2
2012/13	4,637	26	35	61	5	1	6
2013/14	3,856	22	31	53	4	0	4
2014/15	3,767	21	22	43	4	1	5
2015/16	3,681	16	25	41	5	3	8
2016/17	3,067	14	16	30	5	0	5
2017/18	3,384	12	19	31	9	2	11
2018/19	3,373	13	8	21	8	2	10

* Licenses sold from April 1 to March 31 - Adjusted year

APPROVE _____	MODIFY _____	REJECT _____	NO ACTION _____
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2019-20 Custer State Park Mountain Lion Hunting Season Interval Schedule

DECEMBER

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
				26	27	28
29	30	31				

JANUARY

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

FEBRUARY

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
						1
2	3	4	5	6	7	8
9	10	11	12 14 Days	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29

MARCH

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	2	3	4	5	6	7
8	9	10	11 14 Days	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

APRIL

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
			1	2	3	4
5	6	7	8 14 Days	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

Five (5) hunting intervals with 3 access permits (dog hunting allowed).
 Four (4) hunting intervals with 15 access permits (no dog hunting allowed).

APPROVE _____	MODIFY _____	REJECT _____	NO ACTION _____
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2020-21 Custer State Park Mountain Lion Hunting Season Interval Schedule

DECEMBER

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
						26
27	28	29	30	31		

JANUARY

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

FEBRUARY

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28						

MARCH

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

APRIL

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

Five (5) hunting intervals with 3 access permits (dog hunting allowed).

Four (4) hunting intervals with 15 access permits (no dog hunting allowed).

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

RESIDENT/NONRESIDENT CRITERIA

Commission Meeting Dates:	Proposal	September 5-6, 2019	Spearfish
	Public Hearing	October 3, 2019	Chamberlain
	Finalization	October 3-4, 2019	Chamberlain

RECOMMENDATION

To evaluate the Department's recommendation to allocate a limited number of nonresident licenses for the mountain lion hunting season.

1. The Issue

- Why make the change [1], what are the change alternatives [14], how will public/stakeholder input be solicited [9], and how will the change be evaluated if implemented [17]?
 - The Department believes there is capacity to provide a limited number of nonresident hunting opportunities with little, if any, negative effect to resident hunters within the current season structure.
 - As with any social topic related to wildlife management, there will likely be support, opposition and no opinion on this concept.
 - Public solicitation will involve the Commission process of developing a proposal and gathering public input during a 30 day comment period prior to taking final adoption at the October Commission meeting.
 - If implemented, the total number of licenses sold will be compared to previous years and trends will be evaluated once an adequate time frame is available to review. Hunter satisfaction, hunter effort and other metrics will be measured over time with future hunter harvest and public opinion surveys.

2. Historical Considerations

- What are the current and projected trends in resident and nonresident license sales [5], documented and/or perceived hunter densities [7] and the ramifications of these densities [6]?
 - How do neighboring states address the identified issue [15]?
- South Dakota has never provided nonresident mountain lion hunting opportunities. Below are statistics of resident mountain lion hunters.

APPROVE _____	MODIFY _____	REJECT _____	NO ACTION _____
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Harvest statistics for 2009/10 - 2018/19 Black Hills Mountain Lion seasons (excluding CSP)

YEAR	Season Length (Days)	Licenses Sold	Active Hunters	Harvest		Average Days Hunted	Average Satisf
				Males	Females		
2009/10	41	2,082	1,468	16	24	6.2	5.00
2010/11	52	2,325	1,790	19	26	6.6	5.11
2011/12	61	3,482	2,646	27	42	7.1	4.92
2012/13	96	4,351	2,872	23	31	7.3	4.71
2013/14	96	3,293	1,861	18	26	6.9	4.69
2014/15	96	3,211	1,689	18	20	7.1	4.58
2015/16	97	3,102	1,529	11	24	7.1	4.75
2016/17	96	2,561	1,153	10	13	6.9	4.51
2017/18	96	2,878	1,199	7	15	7.3	4.87
2018/19	96	2,818	1,132	8	6	6.9	4.81

- It is difficult to quantify the effect of a potential 250 more mountain lion hunters, as snowfall and weather conditions are important to the success of hunters and their distribution within the Black Hills Fire Protection District and statewide is unknown.
- Surrounding and western states with mountain lion hunting seasons handle nonresident allocations at varying levels. License fees and the use of dog hunting are listed below for 13 states.

State	Resident Fee	Nonresident Fee	Allow Dogs
Arizona	\$15.00	\$75.00	Yes
Colorado	\$49.75	\$351.75	Yes
Idaho	\$13.75	\$186.00	Yes
Montana	\$19.00	\$320.00	Yes
Nebraska	\$15.00	N/A	No
Nevada	\$29.00	\$104.00	Yes
New Mexico	\$43.00	\$290.00	Yes
North Dakota	\$15.00	N/A	Yes
South Dakota	\$28.00	N/A	Yes
Oregon	\$16.00	\$16.00	No
Utah	\$58.00	\$258.00	Yes
Washington	\$24.00	\$222.00	No
Wyoming	\$32.00	\$373.00	Yes

Average Resident Fee: \$27.50; Average Nonresident Fee: \$219.58

3. Biological Considerations
 - What is the current and projected status of the population [2] and habitat conditions [3] for these populations?
 - Current survey trends and other indices indicate a stable to slowly increasing mountain population. With a harvest limit incorporated into the season structure for Black Hills Fire Protection District, the allowance of nonresident

APPROVE _____	MODIFY _____	REJECT _____	NO ACTION _____
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hunting opportunities would have no biological impact on the mountain lion population.

- Both resident and nonresident hunters are expected to have no direct impact to mountain lion habitat during hunting activities.

4. Social Considerations

- How would the change affect resident and nonresident: current and future generations of families [8], opportunities to expand outdoor recreation participation [10] and patterns of land ownership [8].
- With the limited allocation of 250 nonresident licenses, the presence of nonresident hunters is expected to be minimal over a four month hunting season and any reduction of resident hunting opportunities is expected to minimal.
- Hunting opportunities with Custer State Park would still be restricted to South Dakota residents only.
- Any opportunity for nonresident mountain lion hunting would be greater than currently available.
- There is a likelihood of nonresidents having connections to family, businesses and land ownership.

5. Financial considerations

- What are the financial implications of the change for current and future: revenue for GFP [11]; the proportional contributions of revenue from residents and nonresidents to support species and habitat management programs [4], and the ability of GFP to support species and habitat management programs [5], program income for landowners to manage habitat, sales tax collections in SD, and personal income of business owners and their employees [12].
- The allowance of a limited nonresident hunting opportunity for mountain lions is expected to have no known negative financial impact on private businesses and would likely benefit certain business sectors and local communities at some level.
- From a license revenue perspective, the issuance of 250 nonresident licenses at \$280 would equate to \$70,000.

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

Custer State Park Coyote Hunting Season
Chapter 41:06:37

Commission Meeting Dates:	Proposal	September 5-6, 2019	Spearfish
	Public Hearing	October 3, 2019	Chamberlain
	Finalization	October 3-4, 2019	Chamberlain

DEPARTMENT RECOMMENDATION

Season Dates: December 26 – April 30

Open Area: Fenced area of Custer State Park

Licenses: Any resident predator/varmint license, resident furbearer license, or any resident hunting license.

Requirements and Restrictions:

1. Shooting hours are ½ hour before sunrise to ½ hour after sunset.
2. No hunting within 200 yards of any public access road or building.

Recommended changes from last year:

1. Change the season dates from December 26 – March 31 to December 26 – April 30.
2. Remove the requirement of a free access permit.

SUPPORTIVE INFORMATION

The recommended change to the season dates would allow additional coyote hunting opportunity and for the coyote and mountain lion seasons to run concurrent.

The recommended change to remove the requirement of a free access permit to hunt coyotes in Custer State Park is based on the average of 360 access permits issued from 2018-2019.

APPROVE ____ **MODIFY** ____ **REJECT** ____ **NO ACTION** ____

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

Hoop Nets and Setlines
Chapter 41:07:08

Commission Meeting Dates:	Proposal	September 5-6,	Spearfish
	Public Hearing	2019 October 3,	Oacoma
	Finalization	2019 October 3-4,	Oacoma

DEPARTMENT RECOMMENDATION

Modify Hoop Nets and Setlines Chapter and associated rules to:

1. Add a definition of setline in rule.
2. Add traps to hoop net and setline regulation title.
3. Allow the use of wire fish traps.
4. Change hoop net, trap and setline rules to require them to be emptied by midnight the day following when they were set instead of 72 hours. This will improve the chance of live release of the few game fish caught on setlines and turtles in all gears.
5. Change hoop net, trap and setline gear restrictions on border waters to match those for inland waters.
6. Allow use of hoop nets, traps, and setlines in the James, Vermillion, and Big Sioux River mainstems.
7. Allow use of hoop nets and traps in western Missouri River tributaries to increase angler opportunity.

SUPPORTIVE INFORMATION

1. Setlines are not defined in rule and it has been difficult to get violations of setline regulations to hold up in court. The definition would include any line with no mechanical reel that is attached to shore or an object on both ends and left unattended.
2. Fish traps are described in administrative rule as an allowable method of take in addition to hoop nets and setlines but are not currently reflected in the chapter title.
3. Use of wire fish traps is currently prohibited in administrative rule but the rationale for doing so is lacking. Allowing use of wire fish traps, in addition to those constructed of other materials, adds an additional option for those few people who use traps to take catfish and rough fish.
4. Requiring hoop nets, traps and setlines to be emptied by midnight the day following when they were set instead of 72 hours will improve the chance of live release of the few game fish caught on setlines and turtles in all gears.

APPROVE _____	MODIFY _____	REJECT _____	NO ACTION _____
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5. Currently, on the South Dakota-Nebraska border waters, a maximum of two setlines, with up to 10 hooks each, and six hoop nets can be used to take catfish and rough fish. Regulations for South Dakota inland waters allow a maximum of six setlines with up to 20 hooks each and a maximum of six hoop nets or traps to be used. Standardizing border water gear restrictions for hoop nets, traps, and setlines will reduce regulation confusion for resident anglers.
6. Allowing use of hoop nets, traps and setlines in the James, Vermillion, and Big Sioux River mainstems will increase opportunity.
7. Setlines are already allowed to be used in western tributaries of the Missouri River. Allowing use of hoop nets and traps will increase opportunity.

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

Public Waters
Chapter 41:04:07 Lake Aeration

Commission Meeting Dates:	Proposal	September 5-6, 2019	Spearfish
	Public Hearing	October 3, 2019	Oacoma
	Finalization	October 3-4, 2019	Oacoma

DEPARTMENT RECOMMENDATION

Create a new rule in **41:04:07 Public Waters** to identify the department as the designated agent of the Commission for permitting use of aeration systems in meandered waters or other waters to which the state has acquired a right, title, or interest.

SUPPORTIVE INFORMATION

The Commission has the authority to authorize use of aeration. This rule would identify the department as the designated agent for permitting aeration systems in meandered waters and other waters to which the state has acquired a right, title, or interest. Department policy will be developed to guide decisions to approve or deny aeration permit requests and establish conditions for aeration system operation.

APPROVE MODIFY REJECT NO ACTION

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

Importation of Fish
Chapter 41:09:08

Commission Meeting Dates:	Proposal	September 5-6, 2019	Spearfish
	Public Hearing	October 3, 2019	Oacoma
	Finalization	October 3-4, 2019	Oacoma

DEPARTMENT RECOMMENDATION

1. Allow for a single importation permit from an out-of-state source to cover an entire year from their last fish health inspection.
2. Specify, in rule, which fish species need to be tested for which pathogens of regulatory concern.

SUPPORTIVE INFORMATION

1. Fish health inspections are done yearly at state, federal and private fish hatcheries. It is burdensome to require that a facility obtain an importation permit for each time they receive fish or fish eggs from an out-of-state hatchery during the year that the fish health inspection is valid. Allowing an importation permit to be valid for the period of one year since the fish health inspection was completed by an approved fish health laboratory and sign by an approved fish health professional will reduce paper work and staff time.
2. Not all fish species are susceptible to all pathogens. Testing for pathogens that a species cannot contract unnecessarily adds cost to the state, federal or private producer.

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

Aquatic Invasive Species
Chapter 41:10:04

Commission Meeting Dates:	Proposal	September 5-6, 2019	Spearfish
	Public Hearing	October 3, 2019	Oacoma
	Finalization	October 3-4, 2019	Oacoma

DEPARTMENT RECOMMENDATION

1. Add spiny waterflea, round goby, and white perch, to the aquatic invasive species (AIS) list in South Dakota.
2. Add Lakes Sharpe and Francis Case to the list of designated containment waters for AIS management in South Dakota.

SUPPORTIVE INFORMATION

1. **Spiny waterflea** have spread from the Great Lakes to multiple waters in Minnesota. They have caused major changes in zooplankton community structure and compete with larval sport fish for zooplankton, consuming 75% of bodyweight per day in prey items. They can also collect on fishing lines and gear impacting recreational fishing and tourism.

Round goby have spread from the Great Lakes to multiple waters in Illinois and Minnesota, leading to large declines in native fish populations. They consume smallmouth bass eggs which has led to seasonal closures of bass fishing on Lake Erie in May and June when 50% of smallmouth bass total catch occurs, affecting recreation and tourism. There are concerns with intentional stocking by anglers that believe they will help walleye fisheries in South Dakota.

White perch have spread to South Dakota's border with Nebraska and Iowa. They feed heavily on walleye and white bass eggs and may be responsible for the collapse of the walleye fishery in the Bay of Quinte on the north shore of Lake Ontario. There is also potential for competition with prey and sport fishes.

2. The discovery of zebra mussels in Lake Sharpe and the high probability that they are in Lake Francis Case, necessitates the need to add both to the list of zebra mussel containment waters.

APPROVE _____ MODIFY _____ REJECT _____ NO ACTION _____

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

Administrative Rule Review
Chapter 41:04:01

Commission Meeting Dates: Proposal	September 5-6	Spearfish
Public Hearing	October 3	Oacoma
Finalization	September 3-4, 2019	Oacoma

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:

- 41:04:01:01 Applicability of chapter - Repeal
- 41:04:01:02 Special purpose buoy specifications - Update authority.
- 41:04:01:03 Restricted area buoy markings - Update authority.
- 41:04:01:04 Reduced speed area buoy markings - Update authority.
- 41:04:01:05 Information buoy markings. Update authority.
- 41:04:01:06 Safety zones defined – Adjust language and update authority
- 41:04:01:07 Buoy placement requirements - Adjust language and update authority.
- 41:04:01:08 Diver-down flag requirements - Update authority.
- 41:04:01:10 Presence of persons in water near boat ramps prohibited-Update authority.

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 41:04:02

Commission Meeting Dates:	Proposal	September 5-6	Spearfish
	Public Hearing	October 3	Oacoma
	Finalization	September 3-4, 2019	Oacoma

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:

- 41:04:02:02 Beadle County public water safety zones – Update language
- 41:04:02:04 Bon Homme County public water safety zones – Update language
- 41:04:02:06 Brown County public water safety zones. Update language and authority
- 41:04:02:07 Brule County public water safety zones – Update language
- 41:04:02:09 Butte County public water safety zones – Update language
- 41:04:02:11 Charles Mix County public water safety zones – Update language
- 41:04:02:12 Clark County public water safety zones – Update language
- 41:04:02:14 Codington County public water safety zones – Update language
- 41:04:02:15 Corson County public water safety zones – Update language
- 41:04:02:16 Custer County public water safety zones – Update language
- 41:04:02:18 Day County public water safety zones. Update language and authority
- 41:04:02:19 Deuel County public water safety zones – Update language
- 41:04:02:20 Dewey County public water safety zones – Update language
- 41:04:02:22 Edmunds County public water safety zones – Update language
- 41:04:02:23 Fall River County public water safety zones – Update language
- 41:04:02:25 Repealed. Add Grant County public water safety zones (New Rule)
- 41:04:02:26 Gregory County public water safety zones – Update language
- 41:04:02:29 Hand County public water safety zones – Update language
- 41:04:02:30 Hanson County public water safety zones – Update language
- 41:04:02:32 Hughes County public water safety zones – Update language
- 41:04:02:33 Hutchinson County public water safety zones – Update language
- 41:04:02:38 Kingsbury County public water safety zones – Update language
- 41:04:02:39 Lake County public water safety zones – Update language
- 41:04:02:41 Lincoln County public water safety zones – Update language
- 41:04:02:42 Lyman County public water safety zones – Update language
- 41:04:02:43 McCook County public water safety zones – Update language
- 41:04:02:44 McPherson County public water safety zones – Update language
- 41:04:02:45 Marshall County public water safety zones – Update language
- 41:04:02:46 Meade County public water safety zones – Update language
- 41:04:02:49 Minnehaha County public water safety zones – Update language
- 41:04:02:51 Pennington County public water safety zones – Update language
- 41:04:02:52 Perkins County public water safety zones – Update language
- 41:04:02:53 Potter County public water safety zones – Update language
- 41:04:02:54 Roberts County public water safety zones – Update language
- 41:04:02:58 Stanley County public water safety zones – Update language
- 41:04:02:62 Turner County public water safety zones. – Update language
- 41:04:02:63.01 Union County public water safety zones – Update language

APPROVE _____	MODIFY _____	REJECT _____	NO ACTION _____
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41:04:02:64 Walworth County public water safety zones – Update language
41:04:02:66 Yankton County public water safety zones – Update language

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
PROPOSAL**

Administrative Rule Review

Chapter 41:04:03

Commission Meeting Dates:	Proposal	September 5-6	Spearfish
	Public Hearing	October 3	Oacoma
	Finalization	September 3-4, 2019	Oacoma

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:

41:04:03:01	Meandered water areas defined – Update language and update authority
41:04:03:02	Restriction of access prohibited – Update authority
41:04:03:03	Posting of signs prohibited – Language and update authority
41:04:03:04	Farming prohibited – Exception – Update language and authority
41:04:03:05	Modification prohibited – Exception – Update language and update authority

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 41:04:04

Commission Meeting Dates:	Proposal	September 5-6	Spearfish
	Public Hearing	October 3	Oacoma
	Finalization	September 3-4, 2019	Oacoma

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:

41:04:04:01	Definition of terms - Update language
41:04:04:05	Requirements for dock and floating dock maintenance – Update language

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 41:04:05

Commission Meeting Dates:	Proposal	September 5-6	Spearfish
	Public Hearing	October 3	Oacoma
	Finalization	September 3-4, 2019	Oacoma

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:

- 41:04:05:01.01 Boat license fees – Update language
- 41:04:05:02 Life preservers required – Update language
- 41:04:05:03 Fire extinguishers required – Exception – Update language and authority
- 41:04:05:04 Flame arresters required – Update authority
- 41:04:05:04.01 Whistle required – Update authority
- 41:04:05:04.02 Bell required – Update authority
- 41:04:05:05 Ventilation required – Update authority
- 41:04:05:06 Navigation rules – Update language and authority
- 41:04:05:08 Restriction on right-of-way – Update authority
- 41:04:05:09 Blockage of docks forbidden – Update authority
- 41:04:05:15 Audible signals – Update language and authority
- 41:04:05:16 Emergency signals -- Boats to stop – Update authority
- 41:04:05:18 Lights required - Exception – Update language and authority
- 41:04:05:19 Overloading prohibited – Update authority

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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