

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

A Public Hearing will be held at the Good Earth State Park, 26924 480<sup>th</sup> Avenue, Sioux Falls, SD 57108 at 2:00 pm (Central Time) on Wednesday, August 31, 2022. Individuals wishing to participate may attend in person or by teleconference. Teleconference information can be found at <https://gfp.sd.gov/commission/information/>. The public hearing is to consider adoption, amendment, and repeal of Rules pertaining to:

1. ARSD 41:03:01:16. Restrictions on use of firearms, air guns, crossbows, and bows in the state park system -- Exceptions.

Effect: Modify the time during the season when hunters can have uncased weapons within certain parks in the state park system.

Reason: The objectives are to increase turkey population performance and to increase hunter satisfaction with a later start date to the season.

2. ARSD 41:06:13:01. Spring wild turkey hunting season established -- Number and type of licenses available.

Effect: Changes the start date of the spring turkey hunting season and increases the maximum number of licenses available to residents.

Reason: Turkey population status is monitored based on harvest success in most units across South Dakota but based on recent research we are not observing the reproduction level desired in the central and northern Black Hills and a few prairie units. In addition, negative feedback from hunters and their hunting experience lead to the justification for these proposed changes. The objectives are to increase turkey population performance and increase hunter satisfaction with a later start date to the season.

3. ARSD 41:06:13:02. Open units -- Exceptions.

Effect: Modifies the season dates for those hunting units with split seasons and

eliminates a hunting unit from the Black Hills.

Reason: With a change to the start date for all turkey seasons, allocation of time to those units with split seasons needed to be adjusted. With a shortened season and increasing sales of unlimited archery turkey licenses, it is difficult to justify this second turkey license for residents in the future. The objectives are to increase turkey population performance and increase hunter satisfaction with a later start date to the season.

4. ARSD 41:06:13:04. Application requirements and restrictions.

Effect: Removes a unit from the spring wild turkey hunting season and revises the valid date of access permits for Good Earth State Park and Adams Homestead and Nature Preserve.

Reason: The objectives are to increase turkey population performance and increase hunter satisfaction with a later start date to the season.

5. ARSD 41:06:13:05. Turkey hunting recruitment license – Open area and eligibility.

Effect: The proposed modification will change the turkey hunting recruitment season to the “third” Sunday of April instead of the “first” Sunday of April.

Reason: The proposed change will align turkey hunting recruitment season start dates with current proposed spring turkey season start dates. The objectives are to increase turkey population performance and increase hunter satisfaction with a later start date to the season.

6. ARSD 41:06:15:01. Spring wild turkey hunting season established – Number and type of licenses available.

.Effect: Establishes a later spring wild turkey season and sets the number of available licenses to residents.

Reason: Turkey population status is monitored based on harvest success in most units across South Dakota but based on recent research we are observing the reproduction

level desired in the central and northern Black Hills and a few prairie units. In addition, negative feedback from hunters and their hunting experience led to the justification for these proposed changes. The objectives are to increase turkey population performance and increase hunter satisfaction with a later start date to the season.

7. ARSD 41:06:15:02. Open unit (turkey).

Effect: The proposed change would remove the preference point unit from turkey hunting in Custer State Park (CSP).

Reason: This preference point unit is no longer needed and applicants will still have the option to purchase preference within the licensing system

8. ARSD 41:07:01:16. Ice fishing shelter removal deadlines.

Effect: Removes the deadline for removing ice shacks from the ice each year.

Reason: Removing deadline would allow anglers to keep shelters in place during years when suitable ice conditions still exist past the previous deadline. Additionally, it would provide flexibility for anglers when access conditions prohibit retrieval of shelters.

9. ARSD 41:07:01:17. Liberalized take of silver carp, bighead carp, smelt, and lake herring.

Effect: Removes restrictions on mesh size or net size for nets used for taking smelt.

Reason: Restrictions on mesh size or net size for taking smelt were the same as for taking noncommercial bait using minnow traps, seines, dip nets, lift nets, or cast nets. Net restrictions for take bait for noncommercial use were removed for 2022.

10. ARSD 41:07:03:03. Daily, possession, and length limit restrictions on special management waters.

Effect: Proposed changes would remove the 15-inch minimum length limit for bass on Burke Lake (Gregory County) and impose a 15-inch minimum length limit on Lake Mitchell (Davidson County).

Reason: The regulation is not needed on Burke Lake and will protect smaller largemouth bass from harvest on Lake Mitchell resulting in increased abundance and improved sizes of bass.

11. ARSD 41:07:05:02. Paddlefish season in special management areas.

Effect: Allow crossbows as a legal method of take for paddlefish during seasons when bow and arrow are a legal method of take and match areas where crossbows can be used to take paddlefish below Gavins Point Dam with Nebraska regulations. Additionally, language regarding purchasing preference points associated with the old GFP licensing system would be removed.

Reason: Allowing crossbows and modifying boundaries would also align with Nebraska border waters and increase opportunity. This preference point unit language is no longer needed and applicants will still have the option to purchase preference within the licensing system.

12. ARSD 41:07:08:05. Use of another person's hoop nets, traps, setlines, or floatlines.

Effect: Allowing someone else to help tend hoop, trap, setlines and floatlines if the licensee is present.

Reason: Allowing someone to assist a licensee with tending their equipment would increase opportunity when using these gears, clarify rule language for enforcement purposes, and be beneficial for licensees with mobility issues.

13. ARSD 41:07:08:05.02. Tending hoop nets, traps, setlines, and floatlines.

Effect: Reduce check times for hoop nets, traps, and setlines.

Reason: Modifying the check time for hoop nets, traps, and setlines would reduce bycatch and mortality of non-targeted species, such as turtles. Additionally, this change would align South Dakota regulations with Nebraska.

14. ARSD 41:09:08:03.04. Importation requirements for fish or fish reproductive products.

Effect: Modify the rule listing fish importation requirements to better describe current definitions.

Reason: Current language needs to be modified to match language used to describe fish diseases.

15. ARSD: 41:09:12:08 Disabled angler assistance permit. (New Rule)

Effect: The new rule would allow permitted individuals to receive assistance when participating in lawful fishing activities.

Reason: Creating a disabled angler assistance permit would allow for users who have disabilities that affect their ability to fish to receive assistance from another individual to perform lawful fishing activities.

16. ARSD 41:10:02:01. List of endangered birds.

Effect: Remove the Peregrine Falcon (*Falco peregrinus*) from the endangered list of state threatened and endangered bird species.

Reason: Results from a State Threatened and Endangered Species Status Review indicate that the peregrine has met the criteria to downlist the species from endangered to threatened.

17. ARSD 41:10:02:02. List of threatened birds.

Effect: Add the Peregrine Falcon (*Falco peregrinus*) to threatened on the list of state threatened and endangered bird species.

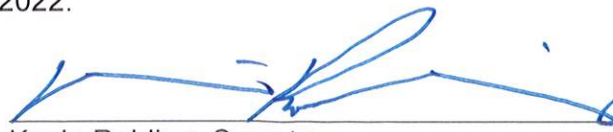
Reason: Results from a State Threatened and Endangered Species Status Review indicate that the peregrine has met the criteria to downlist the species from endangered to threatened.

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

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

Dated this 29<sup>th</sup> day of July, 2022.

(SEAL)

  
Kevin Robling, Secretary

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