

**NOTICE OF PUBLIC HEARING ON PROPOSED REMOVAL OF A SPECIES FROM THE
STATE LIST OF THREATENED SPECIES
DEPARTMENT OF GAME, FISH AND PARKS**

A Public Hearing will be held at the AmericInn, 301 Centennial Street, Aberdeen, South Dakota, on Thursday, August 6, 2015, at 2 p.m. (CDT), to consider adoption, amendment and repeal of the following rule:

ARSD 41:10:02 – Endangered and Threatened Species.

Effect: The proposed amendment would remove the bald eagle (*Haliaeetus leucocephalus*) from the list of state threatened birds (ARSD § 4:10:02:02).

Reason: The bald eagle was listed as a federal endangered species in most of the lower U.S. states in 1978 and was also listed as a state endangered species on South Dakota's first list of threatened and endangered species in 1978. Bald eagles have recovered throughout the U.S. due to banning of DDT, reintroduction programs, habitat protection, and protection from illegal killing and poisoning. Although no bald eagle reintroductions were conducted in South Dakota, this species has steadily increased from the first known successful nest in the state in 1993 to more than 100 nests today. A subset of nests is monitored each year by state, federal, tribal, and private entities to estimate production and to detect any regional or statewide changes to the nesting population. This species was down listed from state endangered to state threatened in 2003. In 2005, as part of an interagency effort to plan for the needs of endangered or threatened species that depend on the Missouri River, the Department completed the "South Dakota Bald Eagle Management Plan." The management goal for nesting bald eagles in South Dakota is an average of 25 active bald eagle nests per year, with a five-year running average. Based on nest monitoring and aerial surveys in 2015, the current estimated number of active nests is 140-150. Because this species has met and exceeded its state management goal, the Department recommends that protection under the state endangered species law is no

longer justified. This species will continue to be protected by the federal Bald and Golden Eagle Protection Act and the Migratory Bird Treaty Act.

The above rule proposal may be modified or amended following receipt of public comment at the hearing to include or exclude matters that are described in this Notice of Hearing. The hearing may be continued from time to time until its business has been completed and may be rescheduled.

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 transmit by email to either wildinfo@state.sd.us or gfpadminrules@state.sd.us. 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 on or before 12:00 noon on 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 proposal is available for review on the internet by going to <https://rules.sd.gov/> and copies of the proposed rule 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 25th day of June, 2015.



Kelly R. Hepler, Department Secretary

(SEAL)

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